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CRIMINAL HOMICIDE IN UGANDA

Tibamanya Mwene Mushanga



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CRIMINAL HOMICIDE IN UGANDA

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**A Sociological study of violent deaths in Ankole,
Kigezi and Toro Districts of Western Uganda**

Mwene Mushanga

Introduction by

Prof. Marshall B. Clinard

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DEDICATION

This book is dedicated to my father
Andereya Mushanga Mwene Nku
One of the greatest advocates of higher education

For the murderers to disappear, the horror of bloodshed must become greater in those social strata from whom murderers are recruited; but first it must become greater throughout the entire society.

EMIL DURKHEIM

In this book:

HOMICIDE refers to the killing of a human being by another person.

CRIMINAL HOMICIDE is the illegal killing of a human being by another, when the killing is not excusable, justifiable, accidental or judicial.

MURDER is criminal homicide with malice aforethought or *Mens rea*, an evil intention or knowledge of the wrongfulness of an act or omission that leads to the death of another.

MANSLAUGHTER is criminal homicide without malice aforethought or premeditation, and is therefore a lesser crime than murder.

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and sustained my interest at times when I thought I was unable to go on.

Although many people assisted me in one way or another, none is to be held responsible for the views, opinions and conclusions that are expressed in this study. I am solely responsible for all that is presented here.

For many and important comparisons appreciation is extended to Professor Marvin E. Wolfgang for his *Patterns in Criminal Homicide*, and for his *Studies in Homicide*, and other articles on the same subject.

My wife, Muko, and my children deserve special mention for enduring my frequent and prolonged absence from home while visiting various places especially in Kigezi, Ankole and in Kampala.

TIBAMANYA MWENE MUSHANGA

Makerere University,
Kampala,
UGANDA.
December 1972.

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LIST OF ABBREVIATIONS

Acc	Accused
Acqtd	Acquitted
Ad/Adl/Adls	Adult/Adults
Amba	The people of Bwamba
Da	Daughter
Dec	Deceased
Dp ..	Democratic Party: A Uganda political party which is now banned.
F	Female
F(2)	Two females
Fa	Father
F Portal.....	Fort Portal (main town in Toro)
Glty	Guilty
M	Male
M(2).....	Two males
Msl	Manslaughter
Mths.....	Months
Neighb.....	Neighbour
Rwa	Rwanda (person or people from Rwanda Republic and Western Kigezi)
UPC..	Uganda Peoples Congress. Formerly the ruling party now banned.
Un	Unknown
Yrs	Years

INTRODUCTION

Violence has been common in the past, and it is common in most contemporary societies today. Collective violence in the form of wars and civil riots, as well as in political upheavals, may involve thousands of individual acts of assault, murder, and arson. The origin and the nature of collective violence on the whole, however, differs markedly from individual acts of violence such as criminal homicide, assault, and forcible rape, all of which involve the accomplishment of a personal objective through a violent act, whether it is an argument, personal dispute, or sexual intercourse.

Criminological research on crimes of violence has been carried out primarily in the developed countries, particularly in the United States, Great Britain, and Italy. From this research we have learned that most acts of violence grow out of an interaction situation in which the act comes to be defined as requiring violence and in which the victim plays a part in precipitating the resulting action. It appears that the general cultural and sub-cultural patterns determine the frequency of crimes of violence and that the acceptance of its use varies by country, region and state, as well as by neighbourhoods within the city, by social class, occupation, race, sex and age. The existence of subcultures of violence, normative systems of a group or groups smaller than the total society, has been advanced as a concept to explain these variations, primarily by Wolfgang and Ferracuti.¹ It is their view that specific populations, for example, social classes or ethnic groups, have different attitudes toward the use of violence. Favourable attitudes toward violence are organized into sets of norms that are culturally transmitted. Such subcultural groups exhibit norms about the importance of human life in the scale of values, the kinds of reactions to certain types of social stimuli in the evaluation of such stimuli, and the socialization process in general. A subculture of violence represents values that stand apart from the dominant, central, or “parent” culture or society, but dealing as it does with only one aspect of behaviour cannot be totally different

¹ See Marvin E. Wolfgang and Franco Ferracuti, *The Subculture of Violence: Towards an Integrated Theory in Criminology* (London: Tavistock Publications, Social Science Paperbacks, 1967).

from the dominant culture. Moreover, “the existence of a subculture of violence does not require that the actors sharing in these basic value elements should express violence in all situations.”²

Most less developed countries in Africa and Latin America, as well as a few in Asia, have extremely high rates of criminal homicide. Among the twenty-five countries with the highest homicide rates, only Finland, West Germany, Israel and Czechoslovakia are developed countries, and they are all near the bottom of this list. These figures are minimal, and if the fact is taken into account that many homicides in less developed countries, particularly the rural areas, go unreported, the differential between them and the countries already developed, in which homicide statistics are more accurate, would be even more marked.

Generally speaking, these high rates in the developing countries can be interpreted in terms of culture conflict resulting from social change and to cultural differences in attitudes toward the use of violence. It is impossible to determine, however, how much these high rates are attributable to underdevelopment and how much they are the result of various cultural factors associated with the use of violence to settle disputes. On the whole, Latin American countries have high rates and European countries low; 8 out of the 25 and 5 of the 8 highest are Latin American countries. Finland has a higher rate than any other European country, and Ceylon the highest for Asia. Studies in both Puerto Rico and Argentina found that an important element in violence is the desire of the average male to prove his “*machismo*,” or manliness.³ Persons with Latin American backgrounds are often expected to resort to violence in case of personal vilification or in marital triangles.

It is important to do research to try to find out what social forces account for such a high incidence of interpersonal violence in the developing countries and to discover any differences that exist between these countries and the more developed countries. Tibamanya Mushanga has attempted to do this in his study about

2 Wolfgang and Ferracuti, *The Subculture of Violence*, pp. 158-159.

3 Jaime Toro-Calder, “Personal Crimes in Puerto Rico,” unpublished M. A. thesis, University of Wisconsin, Madison, 1950.

homicide in Uganda. With the exception of Bohannan's study, there is no other major research work on African homicide.⁴ Mushanga has studied and taught criminology for several years and he is thus well acquainted with the literature and the research problems involved in a study of homicide. The research presents an analysis of the incidence, trends and patterns of criminal homicide from among a sample of 484 cases committed between 1955 and 1966 in three districts (Ankole, Toro and Kigezi) of Western Uganda. The primary source of his data was the court files, both the district courts and the High Court. These data were supplemented with personal interviews with village elders and policemen, newspaper reports and other information. He also included an analysis of homicide among a number of other tribal groups in Uganda.

Mushanga tested four hypotheses all of which the data supported: first that subcultural norms do affect differences in the incidence of homicide between the three districts (Ankole, Toro, Kigezi); second, that homicide is committed by young adults and males;⁵ third, that the cultural tradition of carrying spears, sticks, etc. for offensive and defensive purposes makes it likely that these weapons will be involved in the commission of murder; and fourth, that collective violence in the Rwenzururu area has a political and sociohistorical origin comparable to the high rate of violence in Colombia.⁶ Within these broad hypotheses answers were sought with respect to a number of variables and their relationships: trends; circumstances under which homicides are committed; age, sex, tribe, and district of offenders and victims; relationship between alcohol and homicide; relationship between previous mutual contact and homicide; and homicide and subcultures—such as subcultures in marriage patterns in the three districts and cattle raids among the northern Karamojong and Sebei groups. All of these factors were

4 Paul Bohannan, *African Homicide and Suicide* (Princeton: Princeton University Press, 1960).

5 Several other studies found that offenders who engage in crimes of violence in developing countries, as in the developed countries, are usually young males in their twenties, largely unskilled workers from the lower classes with predominantly rural backgrounds, or who have migrated to the city.

6 German Guzman Campos, Orlando Fals Borda, and Eduardo Umana Luna, *La Violencia en Colombia, Estudio de un Proceso-Social, Tomo Primo* (Bogota: Ediciones Tercer Mundo, 2nd ed., 1962).

found to have a significant influence on the rate of homicide in the three districts and among other tribal groups in Uganda.

In terms of general patterns in homicide, Mushanga found little difference between those in Western European countries and in Uganda. In developed countries, for example, most homicides, generally over 75 percent, arise out of personal disputes between relatives, friends and others with whom one is acquainted rather than among strangers. Likewise, Mushanga has pointed out that at the time he made his study in Uganda, 33 percent (159 of the 501 homicides) grew out of quarrels between members of the intimate family; one-fourth (27 percent) of all those killed in intimate family disputes were wives. Thirty-seven, or 7.4 percent, were other relatives and 171, or 34.1 percent, were friends, fellow-workers, or acquaintances, and the remaining 26.8 percent were not identified in the files as having been related to the offender. Various other studies in Africa and in India and Ceylon have indicated that criminal homicide is also associated with disputes growing out of long-standing personal associations, as is true of homicides in the developed countries. Mushanga has pointed out that:

People, in general, do not kill strangers except in cases of robbery and other felonies in which material gain is the prime motive. This reveals a strange contradiction. In these societies people are afraid and suspicious of strangers or of those with whom they are not related. Thus, they fear them and think they are safe with those they know and even safer with those to whom they are related, especially biologically. And yet it is through these intimate interpersonal relationships that one is most likely to meet his slayer.⁷

The cultural definitions, however, differ profoundly among the three districts and with the studies in Western European countries. This is revealed in the specific subcultural situations out of which the homicide arose. Mushanga has demonstrated that various circumstances or issues have differential impact or degree of provocation. Whereas in Western society there are minor altercations that drive people to commit homicide, in Western Uganda they are the issues that strongly relate to people's patterns of life, as for

example, bridewealth, sexual infidelity, robbery, aggravation, land and property disputes, and social drinking customs. It would be interesting if a later extended study could discover to what extent the changing patterns in traditional behaviour are related to changes in homicide. The Uganda homicides arose out of the following different situations: beer-party brawl (109), domestic altercations (65), infanticide (15), dispute over bridewealth (9), dispute over finances (8), dispute over land (7), witchcraft (7), simple quarrels (6), long-standing grudges (5), and mistaken identity (3). In Uganda, to take one example, where a man is expected to raise the bridewealth for his sons and also to provide them with land on which to build homes, a homicide might result if the father either refuses to pay the brideprice or if he marries a second or a third wife before he settles the bridewealth on his mature sons. Bohann has also found village homicides in traditional settings which define social relationships between the killer and his victim. These relationships differ from those in Western societies where, as one example, a woman might kill her children rather than her husband in a domestic quarrel. In Africa, altercations over money are quite rare, but land disputes or fear of witches are common factors in the precipitation of the homicide.

It is the responsibility of the criminologist to identify and to explain what type of crime is associated with traditional subcultures, which type is associated with the changing social structures, and which is independent of both forces. Mushanga's study indicates that some homicides have subcultural origins, that is subcultural behaviour that creates a climate conducive to the commission of a violent act. It is true that this is the situation in Toro and in Ankole. He quickly discovered, however, that even in Kigezi, where interpersonal violence is not as great, the rate quickly increases when residents migrate to the urban areas. On the other hand, the political and social history that creates cleavage and deep-seated animosity between tribes in the Rwenzururu area is also responsible for some murders of a different character involving collective violence.

Studies of this type benefit not only social scientists and laymen but also policy makers and planners. In an urbanizing and industrializing society proper measures of social control will depend

upon what is understood to be the sources of crime, especially interpersonal violence. It is often argued, and with empirical justification, that if there were sufficient medical services, as well as rapid transportation and communication, many of the victims of violence would survive, resulting in offences of assault rather than murder. Similarly, with more effective police communication many thieves being beaten to death by citizens, a common occurrence in many parts of Africa and which constitutes criminal homicide as Mushanga points out, would not have occurred.

This study primarily deals with rural and semi-urban areas, as did Bohannan's study. What is now needed is an intensive study of homicide in the growing large cities of Africa. Here the situation that gives rise to homicide may be somewhat different and may not involve disputes growing out of traditional situations. With urbanization the young are freed from much of the traditional social controls, interaction with strangers is more frequent, and petty incidents that give rise to violence become magnified. Anyone who pursues further the study of homicide in this or other directions in both developed and less developed countries will find Mushanga's study of great value. It is a major contribution to African criminology and constitutes one of the few comparative studies we have in this area.

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CHAPTER 1

THE PEOPLE OF WESTERN UGANDA

As early as the 1940s the Government began to be aware of the increase in the rate of crime. In 1941, the Prison Report noted that “Masaka has always been a prolific source of habituals and the apparent increase there this year is due to accepting specially troublesome elements from Native Authority”. Elsewhere increase is attributed to more knowledge of, and facilities for, crime and a “greater desire for civilized belongings”.¹ The increase of crime continued to spread as “more knowledge of, and facilities for crime” continued to spread and as many more people developed “greater desire for civilized belongings” through more contact with the outside world. Today the desire for civilized belongings seems to be much greater, if crime is the index of this desire. This study was undertaken with the objective of obtaining a general sociological insight of criminal homicide in the three western districts of Uganda and the major factors that contribute to the crime as a whole.

The districts that were included in the study were selected because, among other factors, of their cultural, and criminal rate differences. The cultural consideration was important because crimes, especially violent crimes, are an expression of cultural configurations. This is a strictly sociological view of deviant behaviour. Since a group’s culture determines its general behaviour it is recognized that violence cannot be expressed outside the cultural frame of references. Because of different cultural definitions of social situation different societies have varying criminal rates. Even in a relatively small country like Uganda, different ethnics show different criminal rates. As will be seen in the second chapter Karamoja, Bugisu and Kampala have much higher annual rates of criminal homicides than Kigezi, Bukedi, West Nile and Ankole. These differences may be sought in cultural or subcultural variations.² In the Western province

1 *Prison Report* (Uganda Government) 1941.

2 Marvin E. Wolfgang and Franco Ferracuti, *The Subculture Violence: Towards an Integrated Theory in Criminology* Tavistock Publications 1967.

of Uganda, Bunyoro shows a much higher homicide rate, followed by Toro, then Ankole and Kigezi shows the lowest criminal rate. Bunyoro and Toro whose population is about a half that of Ankole and Kigezi more than doubles the annual criminal homicide rate of the latter. Bunyoro is not included in the study; but when the author spoke to the senior chiefs in Bunyoro about the criminal homicide rates of Bunyoro they were quick to protest pointing out that the murders were not being committed by Banyoro but by the Alur and Bac-hope, small migrant groups from the Northern Nilotic groups.

ABANYANKORE

The Abanyankore are the people who live in Ankole district. Their district is bordered on the north by Toro district, on the west by the republic of Zaire and Kigezi district, on the south by republics of Rwanda and Tanzania, and on the east by the district of Masaka of Buganda part of which, in pre-colonial Uganda, belonged to Ankole especially the counties of Kabula, and Ishem-babule (Mawogola).

The eastern part of Ankole is dry and sparsely populated. It is covered by short grass, and thorny shrubs. The western half, has better rainfall, is more hilly with highest ranges in the north and South-West. It is more densely populated, more cultivated, and contains more than 70% of the entire population. This is the homeland of the indigenous Bantu that is locally known as the Bairu.

Ankole has a total land area of 6,320 square miles of which 5,636 square miles is land and swamps, 536 square miles forest reserve and 148 square miles open water.³ In 1919, the population of Ankole was reported to be 149,469;⁴ and by 1959, the population had reached more than a half a million. The 1969 general census put the population of Ankole to 855,155 most of whom were Abanyankore; included in the population were Nyarwanda, Bakiga, Baganda, and several other Bantu groups. In 1959 there were over 100,000 Abanyankore living outside Ankole, and this is still the case; there are hundreds and hundreds of them working in and around

3 Brian K. Taylor, *The Western acustrine Bantu*, 1962, p. 95.

4 John Roscoe, *The Banyankole*, Cambridge, 1923, p. 1.

major cities of Kampala and Jinja, and also at Kilembe Copper Mines in Toro district.

The people of Ankole are of two distinct ethnic groups. The indigenous Bantu, who were nick-named Bairu by an invading hamitic or cushitic group known as Bahima. Their ratio is about nine to one. Ankole, up to very recent times, has been a rigidly stratified society comprising the cattle-keeping minority Bahima who ruled part of Ankole under a paramount chief called 'Omugabe'. Under the British, several chieftainships were merged and brought under the rule of the Omugabe. This group constituted the dominant group; while the bulk of the entire population, comprised the dominated and subjugated lower group. This is a group of agricultural, settled people, who showed no interest in power politics in traditional Ankole.⁵ The Bahima lived, and to a certain extent still live, in the eastern part of the district where they graze cattle, while the Bairu, live in the western part of the district where they cultivate bananas, coffee, groundnuts and more recently, they have started to grow tea and to keep cattle. The social relationship between the superior Bahima and the subservient Bairu was based on symbiosis or economic interdependence in which the Bairu supplied food and labour in exchange for meat and hides. And in order to maintain this social relationship, the Bairu were prohibited from possessing productive cattle and no intermarriage took place between the two ethnic groups, but it is reported that Bahima could marry Bairu women and the offspring of such unions resulted in an intermediate class of half-castes, known as the Abambari. We have no records to show how the two groups coexisted; but there seems to have been no frequent inter-ethnic conflicts if there were any at all. The word 'Abairu' was introduced in Ankole by the Bahima. The word refers to a status rather than to an ethnic category. It seems to have come from the Canaanite term 'Apiru'. Professor G. Ernest Wright says that

"People called by this name figure in early documents in various ways; as raiders, mercenary soldiers, captives, government employees, rebels, and slaves.—In times of peace they worked in various capacities for the settled people. It seems likely that it was used for unsettled nomadic

5 Derrick J. Stenning, "Salvation in Ankole," in *African Systems of Thought* by M. Fortes and G. Dieterlen, p. 258.

people, among others, who haunted the civilized communities around the Arabian desert”.⁶

As the Bahima came wandering through the Arabian desert, they were the “Apiru” because of their unsettled and wandering habits; but when they arrived in their present homeland, they applied the same term “Apiru” to those who came to work for them in various capacities; and by analogous substitution, “Apiru” was rendered “Abairu”.

Apart from political conflicts resulting from the desire to perpetuate Bahima domination, on the part of the Bahima; and the desire to reverse the traditional political structure in which the Bairu were the lower class; there is no indication to show that Bairu-Bahima conflict ever reached the level of violent conflict. There is no single case in which violent homicide resulted from these inter-ethnic hatreds that are well-known in Ankole.

The Abanyankore (and usually this refers to agricultural Bantu) are Bantu and have many cultural characteristics in common with their immediate neighbours, the Abakiga with whom they share a common language. They also have a lot in common with Bahaya, Batooro and Banyoro, and Nyarwanda. The language they speak is Orunyankore. The Abanyankore live in scattered homesteads known as *amaka* (sing. *eka*) on land-holdings of two to ten or more acres. Each home or *Eka* is a domestic group comprised of either a nuclear or extended family. A village may contain many families. Cultivation is done around the plot of land on which there is the house and the banana grove. Communal labour used to be common but now it is mainly required in major tasks like harvesting millet, *okugyeshu*; brewing beer, *okunyuka*; and building a house, *okwombeka*.

The Abanyankore are a patrilineal people among whom descent is traced through the male line; marriage is exogamous, and ideally, polygynous. Marriage is sanctioned by payment of bride-price, known as *enjugano* by the male's family. The amount or nature of goods to be paid varies with the economic and social status of the parties involved. This payment must not be confused with ‘buying’ or ‘selling’ of women as certain European missionaries have tended to

think. The origin of the institution is lost in the past but its function has not been lost. The functions, among other things, include the legitimisation of marriage and of offspring, and a public indication of what is happening. The goods received by the girl's parents are held as surety for the good treatment of their daughter. The institution also gives status and prestige to the parties concerned. The higher the amount, the higher the status and prestige; and the Abanyankore say that if a man gives away his daughter in marriage for nothing, it means that he himself has little trust in his daughter as a housewife. The more a man values his daughter as an efficient wife, the more he is likely to request. The great mistake foreigners have made is to characterise the payment of brideprice as buying and selling. After all, the girl is not given to the highest bidder. Marriage from the mother's clan is preferred. Divorce is not common. Residence among the Abanyankore is virilocal, and although clan members "tend to settle together", there is no general rule regarding clan settlement. But usually one clan dominates a whole village or a number of neighbouring villages. The unit of social living is the family (*eka*) which comprises of a man, his wife or wives, his unmarried and married sons and daughters and other relatives such as an unmarried or widowed sister and others. The word *oruganda* is used for lineage and clan. The lineage consists of known members immediately related to the family head (*nyineka*). It is this group that in the past would help to avenge death and force compensation for other types of offences. Roscoe reported that:

"A murderer had to go about his work very cleverly if he was to escape the penalty of his deeds, for it was the business of the whole clan of a murdered man to discover and kill the murderer. Murders were thus not common and few murderers escaped detection"⁷

The Abanyankore and the Abakiga put too much emphasis on manhood (*Obushaija*). A man, according to them is more than a biological male person, he is supposed to be able-bodied, good-natured, fearless, not given to over-drinking and over-indulgent in sexual activities; he has respect for his fellow men, he trusts others and is trusted; he has good relations with his neighbours and gives

7 Roscoe, op. cit.

no trouble to others; he does not steal or tell lies, he entertains his clansmen, agemates and friends, he does not 'eat' alone and is always willing to help others. This is the type of person the Abanyankore have in mind when they speak of a 'man' (*Omushaija*); the concept of this word is difficult to express in English but in Orunyankore the difference between the two meanings of the word 'Omushaija' are clear. It is best expressed when they say *Ebishi nanka aba Omushaija* (so and so is a man). It is important to note that such a man according to the Abanyankore, is most unlikely to kill, except in self-defence; because the use of violence is very much despised as cowardice; and therefore *Omushaija*, the ideal type of man is not likely to kill another person, because he has good will towards all men.

Few offences were punished by death; one was murder and the other one was pre-marital pregnancy; and witchcraft. Cunningham reports a dialogue he held with some elders in Ankole at the turn of this century:

He asked, "What class of crimes was punished with death?"

They answered, "Murder".

"How was death sentence carried out?"

"By spearing".

"Was theft punished by death?"

"No."

"What happened if a thief stole a sheep?"

"He was fined two sheep when the theft was proved."

"If he stole a cow?"

"The same rule; he was fined double the value of the article stolen. This rule applies to all cases of theft".

"If a thief had not twice the value in his possession?"

"In that case he would be imprisoned in a hut for a number of days."⁸

In traditional society, the settlement of disputes was left not to individuals involved but to lineage heads or village elders.

8 J. F. Cunningham, *Uganda and its People*, 1905, p. 17.

Retaliation was not approved, compensation was the commonest way of resolving disputes.

Murders led to blood feuds which in most cases were resolved not by spearing the culprit but by payment of blood compensation. In a case of murder, an elder in the village would undertake to arrange for peaceful settlement of the blood feud. He was usually a member of a third clan. Under no circumstance was vengeance permitted within a clan; the killing of a murderer was sought when no peace-maker was available and this was only an inter-clan affair which rarely happened. In cases where peaceful settlement was arranged, usually payment of goods was not enough. It was common practice for the offending clan to offer a girl to be married in the offended clan thereby establishing affinal relationship instead of a blood-feud; and once this was done, the two clans were brought to greater unity than even before the homicide. Human blood is ritually harmful and once shed, every effort was made to minimise its ritual danger. Once peace arrangements were made the dispute and ritual dangers were removed by slaughtering of a sheep, and a chicken. These creatures were killed at cross-roads (*aha ntangatanganiro y'emihanda*) under a sacred tree (*ekiko*, sometimes known as *omurinzi*); coral tree (*Erythrina Abyssinica papilionaceae*). Members of each group put their hands in a receptacle containing the blood of the sheep and chicken, and oaths were taken to the effect that the misdeed shall never be repeated and that no revenge would ever be organized. This was a covenant of peace and amicable relations between their would-be enemies, known as *okukaraba*.

THE ABAKIGA

The Abakiga, who, in most respects, are akin to the Abanyankore live in the district of Kigezi. Kigezi lies in the extreme south-west of Uganda. It borders on the republics of Rwanda and Zaire in the South and west respectively. In the east is the district of Ankole. Kigezi is a hilly area, most of it being above 6,000 feet. Kigezi is a small district, just about a third of Ankole, being 2,040 square miles, of which 71 square miles is open water; part of this district is mountainous, forests, and swamps; leaving the remaining area to be the most densely populated in the whole of Uganda, possibly in East

Africa. In 1959 the population of Kigezi was 494,488 and by 1969 the district was populated by 642,300. In some areas of Kigezi, the density is as high as 1,000 persons per square mile.⁹

The district of Kigezi is inhabited by four ethnic groups of the Abakiga, the Nyarwanda who inhabit the county of Bufumbira, the Abahororo, who in all respects, identify with the Abanyankore, and a few hundreds of Abatwa, a pygmoid-type of people who originate in the Ituri forest of Zaire. The Abakiga are well-known for hard working all over Uganda; and hundreds of thousands leave Kigezi and go out to seek paid employment usually in semi-skilled and manual labour jobs. The Abakiga together with the Abanyankore make up over 75% of the labour force at Kilembe Mines in Toro.

Thousands of Abakiga have to seek employment opportunities outside their home district because of *scarcity* of land. It is reported that between 1959 and 1969 about 10,000 left Kigezi and emigrated to neighbouring areas.¹⁰ Most of the Abakiga have settled and been more or less assimilated among the Abanyankore with whom, as noted above, they have many cultural characteristics in common.

The Abakiga make up about 80% of the population of Kigezi,¹¹ and the Nyarwanda and Abahororo make up the rest of the population in more or less equal proportions.

The Nyarwanda who live in Kigezi, are mostly settled in the country of Bufumbira in the south-west of the district. These people are not immigrants from the republic of Rwanda as some people tend to think. They are indigenous natives of this area and show some characteristics that differentiate them from the main Nyarwanda of the republic of Rwanda in the south. They speak Orunyarwanda which is intermixed with Orukiga, and in recent times they have begun to refer to themselves as 'Abafumbira' so that they can be differentiated from the main Nyarwanda and from the Abakiga with whom they object to be associated. There are also several thousands of immigrant Nyarwanda from the republic of Rwanda who come

9 Musa T. Mushanga, "Polygamy in Kigezi", *Uganda Journal* vol. 34, 1970.

10 T. M. Mushanga on the Abanyankore in Angela Molnos, *Cultural Source Materials for Population Planning in East Africa*, E.A.P.H. 1973, Vol. 1, p. 226.

11 *Ibid.*

as migrating *labourers*, while others come to seek land to settle, and in the last ten or so years, some came as refugees when there broke out inter-tribal confrontation between the then ruling Tutsi and the then inferior Hutu in post-independence Rwanda. Although the bulk of these refugees moved into Ankole, Toro and Buganda, a few still live in some parts of Kigezi and hope to settle and be assimilated into the local communities.

The Abahororo live in the northern part of the district. Traditionally they belonged to the Kingdom of Mpororo and were brought under the same administration with the Abakiga and the Nyarwanda of Bufumbira by the British when they began to administer Kigezi towards the end of the First World War. The Abahororo prefer to belong to Ankole and because of their close ties of kinship and affinity and language, they have, recently, been referred to as 'Nkore' in Kigezi.¹² The outline that is presented here refers only to the Abakiga, because the Abahororo are not viewed as a separate people from the Abanyankore who have been discussed above. The Nyarwanda, because of their small numbers in the population and in the criminal homicide samples, are not discussed separately.

The Abakiga are said to represent a surviving enclave of the original Bantu stock who, elsewhere, were invaded, enslaved, and subjugated by Hamitic Bahima as was the case in Bukoba, Ankole, Rwanda, Burundi, Toro and Bunyoro and to a certain extent in Buganda. The Abakiga boast that they had never been dominated by Bahima or Tutsi rulers; that they have always been independent. The Abakiga speak Orukiga, which is, except for a few simple consonant shifts here and there, virtually the same as Orunyankore of the Abanyankore. The Abakiga are an agricultural people; they grow maize, sorghum, millet, beans, peas, Irish potatoes and a variety of vegetables which they export to Kampala. They brew beer known as *Omuramba* from germinated sorghum and honey. Their country is too cold to grow bananas except in the north in the lowlands of Rujumbura. They also keep cattle which are said to be indigenous and predate hamitic invasion of these areas.¹³ They also keep goats

12 *Ibid.*

13 M. M. Edel, *The Chiga of Uganda*, 1957, p. 2.

and sheep, which, traditionally, together with hoes, millet and beer were the main payments for brideprice.

The Abakiga, unlike the Abanyankore and Abatooro, live in large homesteads. Each of which is made up of a man, his wife or wives and their married sons and maybe grandsons and unmarried sons and daughters and other relatives such as aunts, widowed female members of the family and other distant relatives who may have sought care and upkeep in the family for one reason or the other. There may be as many as four to ten or more nuclear families in the same compound which may or may not be surrounded by an enclosure. Lineage members tend to live in close proximity on the same ridge, but members of other clans may also be found.

The Abakiga are a patrilineal people; the rules of exogamy are observed in the lineage and the clan. Polygyny is the ideal type of marriage but Christian teaching has done much to weaken this ideal. A survey carried out by the author in 1969 showed that one out of every four married men was a polygamist.¹⁴ Marriages are socially sanctioned by payment of *enjugano*, brideprice, by the boy's family to the girl's family. The process is extremely complicated; it involves many consultations, discussions, investigations, and frequent visits to and from both families and may last as long as a year or two. Early missionaries and other foreign observers misunderstood the whole process of marriage of the Abanyankore and Abakiga and referred to the institution of *Okujuga*, payment of brideprice as wife-buying, which thing it is not, as noted earlier.

The Abakiga put more premium on lineage ties even more so than the Abanyankore. Disputes within the family or lineage are settled amicably within these groups; inter-lineage quarrels too are treated as if they involved members of the same lineage. But inter-clan disputes even when these are minor ones, tend to arouse group solidarity. Edel noted that:

“Offences within the group have to be settled right there. No person external to it can have any other than a conciliatory role. A household in particular stands united and independent. So long as problems remain entirely within the family, no one else has the right to intervene. If a

14 Mushanga, op. cit.

bad-tempered old man picks a quarrel with his son and drives him out of the house, everyone may agree that his behaviour is wicked and unjustified, but there is nothing they can do about it. When a neglected wife appeals to her husband's senior relatives, complaining that he buys gifts for his mother but never any for her, they can point out the error of his ways and urge him to correct them, but they can't compel him to do so".¹⁵

Lineage solidarity, and in particular circumstances of clan-brotherhood are important in a society such as the Abakiga's where there was no structure of government, and where no individuals or groups with formal authority over the others with the exception of family head. Blood feuds were relatively uncommon, murder being ritually harmful to the people, land and crops, was quite infrequent as it is now. Vengeance was exacted when murder was perpetrated by a member of a distant clan. But where there existed some sort of relationship, such as affinity or even distant blood-brotherhood, (Omukago), no feud developed as this was contrary to normal behaviour that was expected of a people who were related in one way or another. Compensation was the way most wrongs were righted in encounters that involved distant kin groups. Social control consisted of criticism, gossip, ridicule and constant reference to the deviant. The Abakiga, like the Abanyankore emphasize sociability, conformity to group norms, respect for the elders, and highly value masculinity (obushaija). Fighting, quarrelling, drunkenness, rumour-mongering, laziness, and other anti-social elements are generally severely disapproved. Anger is cowardice, resorting to using weapons in fighting is not manly and is strongly condemned. A person who is constantly quarrelling, or getting drunk and fighting is deemed to be a fool; high status, prestige, and respect go to a man who gets on well with his fellow men; to a man who does not 'eat' alone; to a man with intelligence and who can be consulted in case of trouble.

Land is held by the family head for the whole family. Because land is scarce, very few families have more than five acres of land. In a polygamous family, the family land is shared in almost equal parts to a man's wives; the senior wife may get a little more than the co-wives, but the principle is equal division. At the death of the

15 Edel, *op. cit.*

family head, the land that each wife held goes to her son or sons, again, in equal shares. The wife who had no son usually had her land taken over by the inheriting son who was expected to keep his step-mother for the rest of her life if she was elderly; if she was still young, she went back to her father or brothers from where she could be re-married. Nearly all the family property was shared by the co-wives; such as cattle, goats, sheep etc., but the exception was cattle or sheep or any other effects that were paid in for brideprice for a daughter of one of the co-wives; all the brideprice went to her mother and usually those were used to pay for her brother's marriage or for her father's subsequent wives.

THE ABATOORO

The Abatooro live in the district of Toro in Western Uganda. Their district borders on the east to Mubende district of Buganda; in the north by Bunyoro district and Lake Albert which lies between Uganda and the republic of Zaire; in the West lies the great Mountains of the Moon which form the boundary between Uganda and Zaire republic. In the south is Ankole district, the two being, in part, separated by the lakes George and Edward.

The district consists of a plateau which is mostly above 4,000 feet. In the west, the land raises to form the Rwenzori range which, at certain points, reaches 17,000 feet. Immediately below this giant mountain which stretches for 60 miles long and about 40 miles wide, is the Western Rift Valley in the east in which lie the two lakes of Edward and George. Part of this Rift Valley lies on the north west of the mountain in which is Lake Albert and River Semliki. There is a national park in the great valley that separates Toro from Ankole.

The district of Toro covers an area of 5,143 of square miles, 237 of open water, 276 of rain forest and 140 of Zaire forest.¹⁶ According to the general census of 1969 Toro district was populated by 571,006. This figure includes the Abatooro who make up just a little more than a half of the population; the Abakonjo, who make up more than a half of the rest; then the Abamba and a few Abambuti, a pygmoid people who come from the Ituri forest on the border with Zaire. The

16 Brian Taylor, *op. cit.*

Abatooro themselves say that there are no people called 'Abatooro'; as they put it, some are called Abatagwenda, and these are more akin to the Abanyankore with whom they have close cultural ties; another group is called the Abatuku who live in the Semliki Valley who again, resemble the Abahima of Ankole. There are also other people who resemble Abahima; these are the Abasongora, and the other group in Kyaka County are more alike the Abagangaizi of Bunyoro and Buganda and finally there are the Abanyamwenge who say they are a different group. When pressed to say who are the Abatooro, the people of Toro say that these are the people who inhabit that piece of land below the Rwenzori Mountains on the eastern side who are sometimes called Abanyakazingo. In these respects, the Abatooro are all these people who speak Orutooro language who live in the district of Toro, but this definition does not include the Abakonjo, and the Abamba who are, culturally and linguistically, different from the Abatooro. In the brief outlines that follow, the Abakonjo and Abamba are excluded because they are discussed in a special chapter on Rwenzururu Movement.

The Abatooro are an agricultural people, they grow bananas, beans, millet and maize; and tea, coffee and cotton are also grown for the outside market. Some Abatooro too keep cattle, but not as much as they did in the past. Taylor reports that,

"Today there is a very small number of persons who both have the traditional appearance of Bahuma and claim to be Bahuma by birth. These are to be found on the Semiliki Plain and here and there on the Plateau. Toro say that many Bahuma left Toro when they lost their cattle in serious epidemics. This is repeatedly mentioned with reference to Busongora, where there is not a single cow today and parts of Mwenge, now thickly covered with bush and devoid of stock, which were previously ideal short-grass grazing areas which supported large numbers of cattle. There are, however, some Toro many of whom do not possess the traditional Bahuma features and own no cattle, who claim to be Bahuma by descent. This is understandable in view of the fact that intermarriage between the stocks has long been permitted, and has long occurred.... The reason why Toro like to assume Humanship is because it still carries high status."¹⁷

The Abatooro make beer from bananas; very often this is illicitly distilled into a much stronger drink which is locally known as *Kagogo*, or *Enguuli*. This drink is extremely potent and therefore much sought after especially by urban proletariats and most of the personnel employed in semi-professional and clerical jobs. Some senior government officials too are known to drink it.

The Abatooro use hired labour to do most of their agricultural work; especially in areas around the city of Kabarole. Before the Rwenzururu Movement, the Abakonjo and the Abamba supplied most of this labour. The Abatooro are repeatedly reported to be extremely lazy.¹⁸ This laziness is attributed, at least in part, to over indulgence in alcoholic consumption. Their land, too, is extremely fertile, that it needs no extra effort to raise food crops; plus cheap and abundant labour from the Abakonjo and Abamba, the Abatooro the majority of whom regard themselves as relatives of the Omukama, (King) had no reason to work as hard as the Abakiga who had no serfs to work for them.

But Abatooro are becoming more business-minded, and notably, the women; coffee and tea are grown on an increasing scale, fishing in the lakes; and general trade is going on fairly well.

The Abatooro are a Bantu people whose kinship system, like the rest of the Lacustrine Bantu, is based on patrilineal descent. They are grouped into lineages and clans. The lineages (*ebitabu*, sing. *ekitabu*, sometimes called *ebitebe*, sing. *ekitebe*) are numerous, and so are the clans. Lineage members believe that they have a common ancestor; those lineages are sections of clans (*enganda*, sing. *oruganda*). Clans are totemic and observe the rules of exogamy. In present day Toro, neither clans nor lineages are local groups; lineage members in most cases will be found settled on the same village or in neighbouring villages. Clans are reference groups. Taylor tells us that

“A lineage head settled disputes between members of the group and represented the group not only in relation to other groups but also in relation to the chiefs or lords within the feudal state. If one of his people was killed by a member of another clan he might initiate

18 Ruth B. Fisher, quoted by Elspeth Huxley, in *The Sorcerer's Apprentice*, 1951, p. 225.

retaliatory action by sending a band of his followers to find and kill the offender, or, if he could not be found, another member of that clan.”¹⁹

But Perlman writing in 1959 noted that the importance of the lineage is actually declining; he wrote, “It is clear that lineage ties are very weak in Toro and may not be strong even in the extended family.” He went on to show the weakening ties in the extended family. This was a case “... in which one of four full brothers hurt his ankle badly and was laid up for several months. During this time he had to borrow 150/- to maintain himself from his three brothers, every cent of which he later had to repay, in spite of the fact that all three of them had salaried positions and were living very near to him. No one felt more of an obligation to this full brother under those circumstances than to make him a loan.”²⁰

Toro was, till recently, a Kingdom ruled by the Abakama, who originally came from Bunyoro. Thus there was a centralized political system which resembled that of Bunyoro and Buganda. The Omukama (commonly translated as king) exercised power over the entire population through his chiefs (Abanyoro) who were in charge of different areas. The chiefs, on behalf of the Omukama, settled all disputes that were brought to them in an appeal manner. Family heads dealt with all domestic altercations; lineage heads handled those disputes that involved lineage members of different families; but major disputes or disputes that involved members of different clans were heard by the parish chief assisted by his council of elders. More serious crimes were heard by the territorial chiefs beyond whom the dispute went to the Omukama’s Court— Muchwa, the Omukama’s or his chief Minister’s decision was usually final.

Marriage among the Abatooro is ideally polygamous, though few male Abatooro enter into polygynous marriages. Perlman found less than 3% of his small sample; Taylor put the rate of polygamous families to 30% and it was the experience of the author that polygyny was a relatively rare practice. Lineage and clan endogamy is prohibited except among the members of the ruling clan of the Omukama.

19 Brian Taylor, *op. cit.*

20 M. L. Perlman, “Some Aspects of Marriage Stability in Toro,” Part II, *E.A.I.S.R., Conference Papers* 1959.

Marriage is also prohibited with mother's clan and mother's clan.²¹ Ideally, marriages are established by payment of brideprice; traditionally this involved lengthy negotiations between the groom's and the bride's family representatives. Brideprice was by payment of cattle, for those who owned cattle, or by payment of goats, sheep or salt for the Abairu or the servile class. In present-day Toro, marriage is an affair of the marrying couple; the other members of the family now being less concerned than before. Payment of bridewealth is now, a relatively simple thing, the amount to be paid being between twenty and a few hundred shillings. Very often, nothing is paid. Free marriages are now very common, but so are separations, desertions and divorces. Many men and women produce children before they are married; and this has tended to lead to late marriages especially of men. There is no stigma relating to a girl becoming pregnant before marriage and many who get married do so after they have had a child or two. This situation of indifference about marriage, sex and the procreation of children has resulted in a large number of unmarried mothers, most of whom live in squalor and abject poverty especially in Kabarole, Kasese and other minor urban centres such as Kilembe (Base Camp), Muhokya and Katwe. This has led to many matricentered nuclear families, in which there are from two to five even more siblings but mostly each with a different father. The number of children who need help for one reason or the other, but mostly because their relatively young unmarried mothers are unable to support them is fast increasing. Recently a care centre for such children and others who are orphaned has been built in Kabarole.

In conclusion, it must be pointed out that nearly all the peoples of western Uganda share many cultural values and speak a language that is generally understood with the exception of Abamba and Abakonjo. But each group has its own dialect. But even in the same cultural or subcultural group such as the Abanyankore, there are differences in the same language; people in Sheema, Rwampara, Kajara and Igara, counties that are in the western part of the district, which are also the homeland of the Abanyankore proper, speak a dialect that is clearly different from that spoken in the eastern part of the district. Thus linguistic differences are both intra and

21 Brian Taylor, *op. cit.*

inter-ethnic. The people of this region are clearly differentiated by food habits. The Abakiga also differ from the rest in that, instead of drinking banana beer, they drink sorghum beer. Marriage systems too are different especially in Toro where the whole institution has undergone fundamental changes. The minor cultural differences that actually matter in the social interaction of people will be discussed in the text of the book.

The data for the study was collected from the three district courts files at Kabale, Mbarara and Fort Portal (Kabarole). There were, in all, 336 cases; of which 138 were from Ankole, 100 from Toro and 98 from Kigezi. For 336 cases, there were 357 offenders who appeared before the court for killing 347 persons. The data were all the cases in which a record of murder, under section 183 of the Penal Code had been entered in the Crime Report Book of Police Stations; and which had reached the courts. The data are those from 1955 to 1966, that is for a period of twelve years. This was done because it proved almost impossible, because of funds and time, to go further back. In addition to the data obtained from court files in the three western districts, there is a sample of 148 High Court cases that were made available to the researcher by one of the members of the High Court. These data were necessary for comparative purposes; as they do not represent a homogeneous group of people being cases from most of other parts of Uganda. For this sample of 148 cases, there were 212 offenders and 154 victims.

Cases that make up this sample were heard at High Court seating at Soroti, Mbale, Jinja, Tororo, Kampala and other areas. This sample was more select than the western Uganda in one major respect; that is all of them were tried by a High Court judge while on his circuit trials. In the main sample all cases were either heard by a judge or an area magistrate. The processing of criminal homicide cases follows a definite structure. Soon after the homicide is committed, the offender is arrested and kept till the arrival of the police. The deceased's body is removed by the police and taken for post mortem examination. The offender is removed to police where he is indicted with murder under section 183 of the Penal Code. He is then kept on remand while investigations continue. The offender usually appears before a magistrate who makes the preliminary inquiries

when the prosecution establishes that there is a *prima facie* case. The final approval whether the state should proceed with the prosecution is given by the office of the Director of Public Prosecution. Trial is by a High Court Judge.

In all, there are 484 cases in the study; in which 569 people were alleged to have been responsible for the death of 501 victims.

CHAPTER 2

THE NATURE OF THE PROBLEM

It was briefly noted in the introduction that the primary objective of this study was, to make a preliminary attempt to understand the nature of criminal homicide as a social phenomenon which attracts the attention of, and provokes a sense of uneasiness among the people wherever and whenever it occurs. Criminal homicide as an extreme manifestation of deviant behaviour, has, for quite a while been said to be on the increase in Uganda; and there is hardly anything to indicate that the situation will improve in the near foreseeable future. Aggravated assault and criminal homicide have been of considerable concern in this country to the extent that the National Parliament, in 1968, passed a law under which robbers who employ violence and dangerous weapons, can face the death penalty. Innocent lives have been lost at the hands of robbers; old men and women living in isolated houses have been strangled for a few shillings. Shopkeepers have been speared, stoned and shot while defending their property. Business cashiers and pay clerks have been waylaid and machine-gunned on their way from banks or while going out to pay wages to their employees. The same has been happening to coffee and cotton traders. Men have been strangled to death, others have been slashed to death while returning to their homes at night. Dead bodies have, many times, been found in drains tied in gunny sacks; others have been found floating in rivers and others in swamps, and so on. There have been repeated demands by the public that something must be done to control this particular type of crime; especially the crime that is locally known as 'Kondo' which is robbery with violence and aggravation. At times many people feel as if death from a robber's rifle, gun, spear or panga is imminent, and this seems to have been the case since the passing of the Death Penalty Bill just about four years ago.

Uganda press, in vernacular and in English abounds with reports of violent deaths. The following reports taken from the daily

English paper—*The Uganda Argus*—will show the nature of the real situation:¹

Kaloli Agwanai (40) a teacher at Katokokere Primary School was way-laid at Kapunye Palisa, Bukedi, while returning home from School at 7.00 p.m. and slashed to death.²

A 70 year-old cultivator, Paul Karwa, was found dead with his hands tied at his house at Kiseru Bunyangabu, Toro.³ A prominent Asian trader, Mr. H. Norali, and his night-watchman were murdered at Gayaza Trading Centre, ten miles from Kampala, early yesterday.⁴

Bandits chased a driver who had just collected 20,000/- from the bank in Kampala, machine-gunned him, and stole the money from the boot of his car as he lay dead in the front seat.⁵

At Magonga village, Mengo, unknown men killed Peter Nameteri, aged 26, and threw his body in a latrine pit. Also in Mengo, at Wanjeza village, Yowana Matovu, 58, was found burnt to death in his house. Murder is suspected.⁶ Robbers kill man: Javawa Alaba died from gunshot wounds when a gang broke into the Uganda Express Bus Service depot at Fort Portal.⁷

Robbers set fire to couple: Robbers broke into the house of Mr. Musa Pupe (55) and his wife Lakeri (50) at Bwerunga Kyotera, Masaka, attacked them and then poured paraffin over them and set fire on the couple. The killers then got away with a cycle, a radio, and 115/- in cash.⁸

1 Reported Criminal homicide cases in *Uganda Argus* in 1969-1970 were over 450. These are cases in which the victim was known to have died at the hands of an assailant.

2 *Uganda Argus* 5 November, 1969.

3 *Uganda Argus* 4 October 1969.

4 *Uganda Argus* 7 October 1969.

5 *Uganda Argus* 6 October, 1969.

6 *Uganda Argus* 4 April, 1969.

7 *Uganda Argus* 29 July, 1969. The Story is incorrectly reported. It should read: Javan Balaba died from gunshot wounds when a gang attacked him at his home and stole his Cortina car. The same gang is alleged to have later broken into the Uganda Express Bus Service and stole 3,000/-. (All men who had been detained in conjunction with Mr. Balaba's murder, were acquitted).

8 *Uganda Argus* 28 August, 1969.

Andereya Malege (50) was slashed to death by robbers who broke into his house at Kabangakano Busiro, Mengo. The robbers assaulted his two wives and stole 180/-.⁹

Mrs. Augustin Giridorwa aged 60, was strangled to death while her husband, aged 70, was tied up by robbers who broke into their house at night at Kasawo village, Karungu. They stole 500/- in cash and other property valued at 300/-. Later villagers caught three suspects and beat them to death.¹⁰ The chairman of the National Chamber of Commerce and Industry, Mr. Augustine Kamyia was found dead at Katalamwa on the Kampala-Gayaza road yesterday.¹¹

The following is a glaring example of the menace of violent robbery in this country:

“Three men died at Mbikko village near Jinja during a fight in which a gun, arrows, sticks and pangas are said to have been used. Mr. Paul Martin Andrew, head brewer of Nile Breweries, Jinja, was among those killed. It is believed the fight was between villagers and a gang of about 20 robbers who were carrying bows and arrows. Employees of Nyanza Textiles and Nile Breweries were stopped when they were cycling to work at night. They ran to the house of Mr. Andrew, who had a gun and asked him to accompany them. Then the robbers shot at them with arrows. Mr. Andrew fired in air, and the robbers dispersed. They later attacked villagers after realising that Mr. Andrew ran out of ammunitions. Mr. Andrew ran to a nearby petrol station and the attendants locked him inside. The robbers, however, broke into the station and beat Mr. Andrew to death. Two of the robbers were killed by villagers.”¹²

It is by reading and hearing of such terrible murders day after day, that one begins to ask why the situation is as it is and also to wonder what can be done to make life a bit safer. But before the second question, of what can be done, is tackled, the first question of why there is so much violence must be answered. So the main object of this study was to try and isolate situations and patterns in which these violent deaths are perpetrated.

9 *Uganda Argus* 20 March, 1969.

10 *Uganda Argus* 14 June, 1969.

11 *Uganda Argus* 27 October, 1972.

12 *Uganda Argus* 4 March, 1970.

The second objective of this study was to determine the nature and type of person that commits these crimes and also who is the victim. What are other important variables that are related to criminal homicide? what are the motives etc? We must have some information about the criminal as well as about the victim and the situation in which the felony is committed; because criminal homicide, like any other criminal or deviant behaviour, is here to stay, and the earlier we start on studying it and its patterns, maybe the better for the present and for the future generations. This information is necessary if control and preventive programmes are to be formulated.

CRIMINAL HOMICIDE IN UGANDA

Many people in Uganda, and East Africa as a whole, believe, that there are more crimes of violence and crimes against property in Europe and America. It is difficult to explain how this idea came to be acquired; perhaps through the motion pictures and fiction stories of crimes of violence. And because of this generally held view, many find it difficult to believe that there is much more violent crime in Uganda than there is in England or America. This also might be due to generalised illiteracy, because the percentage of people who can read and understand the English language, and therefore are able to read the daily papers is likely to be less than five per cent, the true picture of both the outside world and the country these people live in is not properly perceived. The following table shows a list of countries¹³ and their criminal homicide rates as compared to Uganda; assuming that these figures are genuine and we have no reason to believe that they are not. It may be argued that the figures are not representative of the real criminal homicide situations in the countries listed in Table 1 below, because of time differentials and therefore Uganda is unjustifiably placed high on the list because of its relative recent figures; but

13 Marvin E. Wolfgang (editor), *Studies in Homicide*, Harper and Row Publishers, 1967, pp. 285.

Table 1. Criminal Homicide Rates per 100,000 of Population for Some Countries of the World

Rate	Country	Year
34.0	Colombia	1960
31.1	Mexico	1958
28.8	Nicaragua	1959
21.2	South Africa	1959
19.9	Uganda	1969 ¹⁴
10.8	Burma	1959
9.9	Aden Colony	1956
9.8	Guatemala	1960
7.8	United States	1970*
6.1	Turkey	1959
5.9	Panama	1960
5.3	Puerto Rico	1959
5.3	St. Vincent	1955
5.3	Tanzania	1065**
5.0	Kenya	1969**
4.9	Chile	1957
4.6	Uruguay	1955
4.6	Trinidad/Tobago	1960
4.4	Nigeria	1960
4.3	Ceylon	1959
3.9	Dominican Republic	1955

¹⁴ In 1969 Uganda had a population of 9,526,237. In 1968, in Uganda, there were 1894 reported criminal homicide cases. There were 1650 cases in 1967; 1969 in 1966, and 1537 in 1965. Over the four-year period there were 6,777, which is approximately 17.8 per 100,000 of population. (Population figures for 1969 Census were supplied by the Government Statistician, while the Criminal homicide figures were supplied by the Office of the Inspector General of Police, C.I.D. Branch).

* See Police Report of the city of Chicago, 1970.

** See Statistical abstracts of Tanzania and Kenya for 1966 and 1970 respectively.

Table 1 Continued

Rate	Country	Year
3.2	Costa Rica	1960
3.0	Channel Islands	1959
3.0	Reunion	1956
2.9	Finland	1960
2.7	Bulgaria	1960
2.6	North Borneo	1960
2.5	Barbados	1960
2.3	United Arab Republic	1958
2.2	Peru	1959
2.1	Poland	1959
1.9	Japan	1960
1.8	West German/Berlin	1959
1.8	Singapore	1960
1.7	France	1960
1.6	Hungary	1960
1.5	Australia	1960
1.5	Greece	1960
1.4	Canada	1960
1.4	Italy	1959
1.2	Austria	1960
1.2	Jordan	1960
1.1	New Zealand	1960
1.0	Hong Kong	1960
0.9	Mauritius Ex. Dep.	1960
0.9	Portugal	1960
0.9	Switzerland	1959
0.8	Spain	1959

Table 1 Continued

Rate	Country	Year
0.7	Belgium	1959
0.7	Ryukyu Islands	1960
0.7	Scotland	1960
0.7	Sweden	1960
0.6	England/Wales	1960
0.6	Iceland	1959
0.6	Luxembourg	1960
0.6	Sarawak	1958
0.5	Cape Verde Islands	1959
0.5	Denmark	1959
0.5	Norway	1959
0.5	Norway	1959
0.4	British Guiana	1958
0.3	Malta/Goza	1960
0.3	Netherlands	1960
0.2	Ireland	1960

recent studies and reports from the United States show that the rate is actually coming down while those from England show that there has been a considerable reduction in the criminal homicides especially since the abolition of the death penalty in that country.

Within Uganda itself, the rate of criminal homicide varies from district to district; depending on prevailing social, economic, political and cultural subcultures of the districts concerned because crime in general, is an outgrowth of social values.

Table 2 below shows the criminal homicide rates per 100,000 of population per annum and the populations of each district according to the 1969 Census. The criminal homicide figures are

those that were reported to the police for the years 1965, 1966, 1967 and 1968.¹⁵

As pointed out earlier, criminal homicide like any other crime is an outgrowth of other social values and forces. Karamoja, a district with the highest criminal rate in Uganda, had a rate even much higher than that recorded for Colombia when the *La Violencia*¹⁶ was at its worst, is characterised by an endemic subculture of cattle raids and counter raids which very often result in numerous homicides. Of the three districts being discussed in this study, that is Ankole, Kigezi and Toro; Toro has the highest rate of 13.0 per 100,000 of population per annum; and Kigezi has the lowest rate of 5.4 in the whole country; while Ankole remains in between with 8.5 per 100,000 per annum. The present study attempts to explain why these differences in rates of criminal homicide do exist in these three districts.

When criminal homicide rates for Uganda are compared with the two other foreign cultures with which most people are familiar i.e. America and England, the results are alarming. Assuming that the time element does not affect the results of comparison considerably; an individual in Uganda stands about thirty chances more of being slain or a slayer in a year out of every 100,000 as compared to his English counterpart and three chances against the American. Similarly, a person in Bugisu, (36.2) stands just over ten more chances of being a victim or offender of criminal homicide in every 100,000 in any one calendar year than his counterpart native in Kigezi.

Kigezi is particularly interesting, because of its high density and multiple subcultures. I recently asked chiefs and councillors in Bunyoro during a public lecture why there is more criminal homicide in their district than there is in Toro, Ankole and Kigezi, and nearly all (about 20 of them) answered back that it was due to large numbers of 'Abaluru' labourers (The Alur tribesmen from West Nile). That the Alur are quarrelsome and fond of fighting and killing each other and killing Banyoro. The chiefs might have had a point in their speculation. Professor Southall wrote that:

15 *Ibid.*

16 Marvin E. Wolfgang and Franco Ferracuti, *The Subcultures of Violence*.

Table II. Reported Criminal Homicide During a Period of Four Years 1965–1968 by District Showing the Population, the Rate per 100,000 of Population per Annum

District	Population	1965	1966	1967	1968	Total	Annual Rate	Rate per 100,000
Uganda	9,526,237	1,573	1,696	1,650	1,894	6,777	1,694	17.8
Karamoja	298,089	113	204	105	101	523	130	43.9
Bugisu (including Sebei)	486,241	199	173	154	180	706	176	36.2
Kampala City	331,889	82	99	109	143	433	108	33.3
Mengo (including Mubende)	1,694,940	333	440	430	547	1,750	438	25.8
Masaka	641,403	111	130	150	154	545	136	21.2
Teso	568,327	136	86	122	123	477	119	20.8
Acholi	465,417	64	80	82	91	317	79	17.0
Bunyoro	348,031	47	43	65	75	230	57	16.5
Busoga (including Jinja Town)	994,936	142	147	158	136	583	146	15.4
Toro	571,006	88	81	67	61	297	74	13.0
Lango	505,218	43	48	62	63	216	59	10.7
Ankole	855,155	68	57	76	90	291	73	8.5
West Nile and Madi	572,078	46	36	49	57	188	47	8.4
Bukedi	518,923	41	32	34	24	131	33	6.3
Kigezi	642,300	24	30	32	49	135	34	5.4

Reaction to homicide occurring between local groups, instead of within them, depended on the degree of their relationship, that is from the recognition of remote common clanship, to that of only common tribal membership or allegiance to the same chief, to the lack of any recognised common bonds between members of different neighbouring tribes having no common political allegiance. In the later case, the usual reaction was feuding and revenge with little chance for the payment of compensation in lieu. Homicide in these later circumstances was therefore a very different offence from homicide occurring either within the same local kin group or even the same political jurisdiction.”¹⁷

Contemporary Alur behaviour suggests that this distinction persists, and that they have different moral feelings about violence committed on and among strangers, when they are away from home, from those they have about violence among their own kin or fellow tribesmen.

This is exactly what I have now and then, heard people say about the Abakiga of Kigezi, that they may be peaceful when at home and among themselves, but may not be so peaceful when they are among people of other cultural background.

In fact, in Toro, the Abakiga are feared because of this. South all, summing up his observations about homicide among the Alur said that:

“... life in the migrant labour situation, ... is more conducive to homicide than life in a relatively unmixed tribal area.”¹⁸

This study has attempted to explain why this state of affairs exists. The Abakiga, and the people of South West Uganda, that is the Abanyankore, Abakiga, Abahororo and Nyarwanda, have constantly had a relatively low criminal homicide rate in the country. There are the cultural and social values that contribute to this relative peaceful coexistence that require sociological explanation.

17 Aidan W. Southall, “Homicide and Suicide among the Alur”; in *Paul Bohannan's African Homicide and Suicide*, 1960, p. 216.

18 *Ibid*, page 218

AGGRAVATED ASSAULT

Comparative studies of homicide and aggravated assault¹⁹ carried out in other cultures have revealed that the patterns for the two crimes are similar, and that the difference between the two is of chance and accident rather than of degree and typology. In East Africa, aggravated assault is one which carries a greater penalty than a common assault; especially if it causes 'actual bodily harm' and the actual bodily harm need not be permanent nor need it amount to grievous harm.²⁰ The Federal Bureau of Investigation of United States classifies aggravated assault as:

"assault with intent to kill or for the purpose of inflicting severe bodily injury by shooting, cutting, stabbing, maiming, poisoning, scalding, or by the use of acids, explosives, or other means."²¹

Aggravated assault is classified on three main criteria, (1) The seriousness of the injury. (2) The type of weapon used or the use of an object as a weapon. (3) The intent of the assailant to cause serious injuries.²²

As briefly pointed out earlier, the difference between aggravated assault and criminal homicide is very thin indeed. In a society where communications are inadequate, where hospitals and dispensaries are separated by great distances from one another and from most people; where the majority of the people hardly know what to do in an emergency by rendering first aid treatment to the injured; a lot of would be aggravated assault cases slide into criminal homicide because of these social, and economic conditions and even because of the geographical nature of the area in which the group lives; affects this dichotomy. Poverty and ignorance are the two great contributing factors to this difference. Perhaps this may be partial explanation why the poor and relatively uneducated societies have

19 David J. Pittman and William Handy, "Patterns in Criminal Aggravated Assault", in Marshall B. Clinard and Richard Quinney's *Criminal Behaviour Systems*, 1967, page 43-53.

20 J. J. R. Collingwood, *Law in Africa*, number 23, 1967, p. 201-202.

21 David J. Pittman and William Handy in Marshall B. Clinard and Richard Quinney, op. cit.

22 *Ibid.*

higher rates of homicide than the more economically developed and those with higher rates of literacy and higher rates of school attendance. This implies that criminal homicide rates will tend to be relatively high in those societies where tribal cohesion and *solidarity* have broken down due to cultural mixing, where people are relatively poor and ignorant. This also means that in societies where there is a lot of mixing, the rate of homicide and assaults should be much higher if these societies did not enjoy higher economic benefits and were not more advanced educationally. The table below shows the number of aggravated assault in Uganda over the 1965—1968 four-year period by district:

The most interesting point to note from the table is the relative similarity of those districts with high rates of criminal homicide and have high rates of aggravated assault, and *vice versa*, districts such as Ankole and Kigezi with relatively low criminal homicide rates have very low aggravated assault rates. Sociologically, homicide and aggravated assault are one and the same phenomenon; the difference being that in the former someone gets killed while in the latter, he recovers. The concept of ‘malice aforethought’ that differentiates murder from other degrees of homicide could exist in aggravated even in simple assault; but depending on intervening circumstances, a homicide does not take place. In this respect, the assaulter is no less an offender than a murderer; exception being cases like poisoning and arson.

Table III. Reported Aggravated Assault by District 1965–1968

District	Population	1965	1966	1967	1968	Total	Average per Year	Rate per 100,000
Uganda	9,562,237	5,363	11,177	14,683	18,438	49,655	12,313.6	130.3
Kampala	331,889	844	1,143	2,069	2,326	6,382	1,595.5	480.8
Bugisu/Sebei	486,241	167	644	1,384	1,632	3,847	961.8	197.8
Karamoja	298,089	306	543	766	607	2,222	555.5	186.4
Bunyoro	348,031	218	520	591	1,049	2,378	595.8	171.2
Masaka	641,403	662	1,299	727	1,555	4,043	1,060.8	165.4
Acholi	465,417	342	750	842	1,134	3,068	767.0	164.7
Toro	571,006	576	736	1,025	1,008	3,345	836.8	146.3
Mengo/Mubende	1,694,940	1,019	2,373	2,530	3,253	9,175	2,350.8	138.7
Busoga	944,936	126	924	1,711	2,208	4,969	1,242.3	138.4
Teso	568,327	293	672	776	793	2,534	633.5	111.5
Bukedi	518,923	173	368	315	532	1,388	347.0	91.7
Lango	505,218	253	471	621	471	1,816	454.0	89.9
West Nile/Madi	752,078	196	237	302	628	1,363	340.8	59.6
Kigezi	642,300	95	233	424	621	1,373	343.3	53.5
Ankole	855,155	61	190	546	527	1,384	331.0	38.7

CHAPTER 3

SEX AND AGE IN CRIMINAL HOMICIDE

SEX OF OFFENDER

It will be seen from the table below, that the crime of homicide is predominantly a male activity. Professor Wolfgang writes that every study known reports this fact, that males predominate everywhere.¹

In the present study of 569 criminal homicide offenders, there are 506 male offenders, that is a rate of 86.75%. Wolfgang's Philadelphia study of 620 offenders showed that there were 511 male offenders which is 82.4%.² Sutherland and Cressey wrote in the *Principles of Criminology* that:

“Sex status is of greater statistical significance in differentiating criminals from non-criminals than any other trait ... The crime rate of men is greatly in excess of the rate of women—in all nations, all communities within a nation, all age groups, all periods of history for which organised statistics are available, and for all types of crime except those peculiar to women, such as infanticide and abortion.”³

Table IV. Percentage of Offenders by Sex

	Ankole	Kigezi	Toro	Extra Sample	Total
Total Offenders	151	98	108	212	569
Male	86.08	72.46	95.37	95.28	88.75
Female	13.92	27.54	4.63	4.72	11.25
Cases in Sample	138	98	100	148	484

1 Marvin E. Wolfgang, *Studies in Homicide*, page 4. In a footnote on page 284 Wolfgang writes that “There is no need to document this generalisation about sex and homicide. Every study known reports this fact.”

2 Marvin E. Wolfgang, *Patterns in Criminal Homicide*, see Table 1 on page 361.

3 Edwin H. Sutherland and Donald R. Cressey, *Criminology*, 8th edition, page 126.

The authors go on to show that:

“Death certificates indicated that males committed 88%. (This is the same as in the present study) of the 821 homicides occurring in ten North Carolina counties in one 11-year period, ...”⁴

In the present study the district of Toro shows the highest male offender rate in criminal homicide; this is 103 out of 108 which is 95.4 per cent. Of the five female offenders, one was an accomplice to a male offender. Two of the remaining four were non-Batooro, one was a Mukonzo who poisoned her husband in an attempt to make him love her more without realising that the stuff she mixed in his meat-soup was lethal. The second husband-slayer was a Mukiga immigrant. Of the two remaining female Abatooro killers, one killed her male neighbour during a drinking party which ended in a fight in which the deceased was the first to attack the accused. The accused woman killed in self-defence. The second case involved a woman who killed her female neighbour whom, she alleged, was practising witchcraft against her.

There is, however, a very unusual case in which a wife organised and sought the assistance of her son and her lover to kill her husband. Her case is not included among the five female killers because there was no trace of the court records regarding judgement and sentence; her male accomplice was sentenced to death. There is no record of her son's case. The plea of the male accomplice is of interest and is given in full in English in the footnotes.⁵

4 *Ibid.*

5 Case No. 242/55—Toro. A glaring example of sexual motive. A married woman sought the assistance of her lover to kill her husband. This is what the accused male had to say:

I was called. I never wished to go there. During the day I visited there. I did not consent him. I said that if she is calling me for this afternoon's matter I have already refused. He said no. She is calling you for different thing. I then went there in the evening. I went at 8.00 p.m. I met her in the yard. She said 'I have been there keeping him busy conversing'. I said is that why you have called me? Then they started. Then she went to listen. She came back and reported that he was not yet asleep. They went there again this time she went with her son. We stayed there. Then the woman said 'This man has luck, go back to your homes?!! We remained in the woman's yard. She again went there and removed the poles of the door. When she saw we were not going there she came to fetch us. She asked why we had not accompanied her? She said, "Do you want that he stabs me?" She led us to the house. Her son went ahead. He stood in the doorway. He stayed there for a

The extra sample, too, shows a high rate of male over female criminal homicide offenders. There were 10 females as against 202 male offenders in the sample. Kigezi shows the lowest rate of male offenders, it is 72.46% in the sample.

According to Verkko's static law,⁶ societies with high frequencies of crimes against life, the participation of women in these crimes is small and women participation in crimes against life is high in those societies or countries in which the frequency of crimes against life is low. Kigezi is a typical example and appears to support Verkko's static law. Kigezi, over a period of four years (1965-1968), had the lowest rate of reported criminal homicide in Uganda. The annual rate for Uganda as a whole was 1694; that is, criminal homicide reported cases. The annual rate per 100,000 over those four years was 17.8. Kigezi rate was 5.4 per 100,000 of population. The other two districts in the study, namely, Ankole and Toro had 8.5 and 13 per 100,000 of population per annum respectively. While male offenders contributed just a little more than 95% in Toro sample of offenders, they (males) contributed just a little over 72.0% in Kigezi sample. Alternatively, female offenders contributed 4.6% in Toro sample and 27.5% of Kigezi sample. Ankole which falls in between the high and the low rates had only 13.9% of its criminal homicide committed by females. The Verkko static law says that a society with a high frequency, like Toro, will have fewer females participating in crimes of violence against life; and vice-versa. More about this later.

Out of 98 criminal homicide offenders in the Kigezi sample, there are 12 cases of criminal homicide of infanticide type that were perpetrated by females. Even when these infanticide cases are excluded, Kigezi still shows a higher rate of female participation in criminal homicide. The opposite case is shown by Toro sample. Toro has a high frequency of criminal homicide; in fact its rate is

while, he then bent and entered into the house. I also followed him. I found him standing inside. When he saw me he pounced on deceased. He pulled deceased from the bed to the fireplace. He was already strangling him. He was holding him inside the blankets. I helped him at the head and feet. That is what I saw. (Taken as recorded by Police).

6 Veli Verkko, *Homicide and Suicide in Finland*, Copenhagen 1951, page 55.

about the rate for Ankole and Kigezi put together, but its female contribution is only about 4.6%.

Even when considering other variables that are related to sex and criminal homicide, female participation still remains considerably low. Out of 33 persons who committed the tragedy as a result of either mental disorders or sheer diminished responsibility⁷ only three or 9% were females. This would imply, that either females do not suffer from mental disorders as frequently as males do, or that if they do, their disorders are not characterised by violence. But it could also mean that even the mentally disordered people may, in some cases, display cultural patterns in the use of violence; especially in their selection of weapons. Studies carried out in other societies have clearly shown that it is the culture of the group rather than masculinity *per se* that may explain criminality among males. The cultural values of these groups in western Uganda stress manhood, especially among the Abakiga and Abanyankore. Although a man is expected to get on well with fellow men, to be kind, to respect his elders, to control his anger but also it is expected of a man to be tough, not to be submissive and must be able to defend his family, status and rights. In response to these expectations, a man will define a situation as requiring the use of violence when a situation arises. Women, on the other hand, are expected to be humble, meek, and not to raise disputes with men.

SEX OF OFFENDER

To come nearer to the more serious crime of murder, females too contribute a relatively small part. Out of nine murderers in the Kigezi sample, there was no single female murderer. In the Toro sample, only one out of twenty two murderers was a female; the Mukonzo woman who poisoned her husband. Ankole had the highest female murderers, five out of thirty. The whole sample, including the extra sample, female murderers were nine out of 103 that is about 8.7%. In this study, Kigezi sample is the most interesting. While Kigezi showed the highest rate of criminal homicide by females, 27%, all of these slayings were perpetrated in the heat of passion and lacked *mens rea*, a blameworthy state of mind⁸ which is a legally necessary element in a homicide to make it a murder case.

7 See Section 188A of the, Uganda Penal Code, (1964 laws).

8 J. J. R. Collingwood, *Law in Africa*, No. 23, p. 11. See also G. W. Paton, *A Text-book of Jurisprudence*, 3rd edition, p. 339-346.

The five cases of female murders that appear in the Ankole sample deserve some explanation. One case is that of an insane woman who killed her male neighbour; in another case a woman slashed her brother with a panga after a heated domestic altercation. Only one of these five murders involved wife-husband, the couple were Nyarwanda immigrants. The husband returned home at night and refused to eat food and threw it at his wife, and chased her out of the house. She became very infuriated, she stayed outside the house and later climbed and entered the bedroom through the window and killed her husband in his sleep. The remaining two murderers were an old woman and her daughter who conspired to destroy newly born twins of the young woman. The mother and grandmother of the twins were victims of cultural imperatives. The mother of the twins was an unmarried girl who was betrothed to a man other than the one who impregnated her. Bridewealth had already been paid; the girl became pregnant; and with her mother's help she was able to conceal the pregnancy from her father. She was later delivered by Ceasarian section at Ishaka Mission Hospital. This was a great scandal for her and her family. On their way home from hospital, the babies were abandoned in the bush. At the time of their discovery the following day, one was still alive and died a few hours later. Guilt feelings on the part of the young mother outweighed compunction for the unfortunate twin-babies. This is one of those cases of criminal homicide in which the killer's behaviour is defined in terms of cultural norms. More about this case will be discussed later.

Looking at these figures and rates of homicide in Ankole, Kigezi and Toro districts, and trying to interpret them by using Verkko's static law, one cultural explanation comes to mind. The static law states that:

"In countries of high frequency of crimes against life the participation of women in these crimes is small, and vice-versa; in countries of low frequency of crimes against life the participation of women in these crimes is perceptibly larger than in countries of high frequency of crime against life."⁹

According to the figures available, Toro is a district with a high frequency of criminal homicide, with its rate of 13 per 100,000;

9 Veli Verkko, *op. cit.*

Kigezi is a district with a low frequency of criminal homicide with an annual rate of 5.4 while Ankole is a district falling in between the high and the low rates of criminal homicide with its rate of 8.5 per 100,000 of population.

The explanation in terms of different group cultures is based on family and leisure. In Kigezi, a district with a low frequency of criminal homicide in which female participation is high, has a higher rate of polygyny than Toro.¹⁰ Polygyny in Toro is a relatively infrequent happening.¹¹ Ankole, again, falls in between with a higher polygynous rate than Toro but not so high as Kigezi. Polygyny as a type of marriage is or tends to be characterised by strain though not necessarily family instability. In Kigezi and Ankole and to a lesser extent in Toro, polygyny is the ideal type of marriage. The husband in a polygynous family is a man in demand; he is also in a position in which he is most likely to violate the rules of the game and engender hostility from anyone of his wives in which case one of the wives may be infuriated and use violence. Again, marriage in Kigezi and to a lesser extent in Ankole, is a very serious institution which requires the attention of those concerned. The conjugal unit is maintained not only by economic provisions but requires some personal and psychological attachment, and where these are wanting criminogenic situations develop. The husband as a central figure plays a major role in the life process of the domestic group. He is expected to be fairly

10 Musa T. Mushanga, "Polygyny in Kigezi", *Uganda Journal*, Vol. 34, part 2, 1970. A paper based on a district-wide marriage survey that I carried out in 1969 with the help of the chiefs, which showed that there were:

75,515 married men in Kigezi, of whom:

55,277 were married to one woman

27,058 were married to two women

12,759 were married to three women

6,648 were married to four women

3,215 were married to five women

894 were married to six women

224 were married to seven women

72 were married to eight women

72 were married to nine women

and 30 were married to ten or more women.

11 M. L. Perlman, a paper on "Some aspects of marriage stability in Toro", part II. E.A.I.S.R. 1959.

fair in the way he treats his wives; this he does by providing his wives equally; and by entertaining them equally. A man with, say, four wives, may not entertain one wife twice at a time till he has gone around and start all over again. This is accepted provided he keeps to it; but in case he breaks the time-table, without the approval of the wives concerned then ill-feelings begin to develop between the co-wives. But very often the co-wives themselves agree to change the time-table to suit their personal preferences. A woman who has a sick child may arrange with her co-wife to entertain their husband for two more days while the child recovers; but the co-wife will refund the days at a future date to be agreed upon. In such arrangements, the husband is wiser to leave it to the wives concerned. Marriage is not an individual affair in Kigezi. It is an institution which concerns other members of the lineage especially members of Ego's family of orientation (whether Ego is male or female). In Toro marriage is a highly individualised matter, the way it is contracted, maintained and dissolved hardly concerns Ego's kin groups. Family and clan affiliations are characterised by cohesion in Kigezi and to a lesser degree in Ankole while these, generally, tend to be very weak in Toro.¹² In Toro marriages are contracted and dissolved very simply by either party with no reference to other members of the lineage of either party. There are many cases in which deserting women have arranged to repay the bridewealth. The bridewealth itself is never much. In a survey carried out recently of 124 married women, only 55 had had bridewealth paid for their marriage, the majority of whom had bridewealth paid after they had been married for some time. Very few men pay more than 200/- (£10), some even pay as much as 50/-. All this shows that marriage, as a social institution plays a significant role in the lives of the people who value the institution, but where it is taken lightly, its break is not likely to create friction and hostility. In Kigezi, a woman expects her husband to play the prescribed role of a husband; and she too tries to play her part, failure, on the part of one of the parties creates a potentially hostile reaction, hence higher rates of criminal homicide by females. In Toro where the level of social involvement in the institution of marriage is low, and where marriages can be contracted as easily as they can

12 *Ibid.*

be dissolved, where family organisation is more and more becoming matricentred, disputes and altercations arising out of the families are brought to an end by separation. There is little conflict in Toro family because of the limited level of group involvement in the total family situation of either of the parties. A married woman in Kigezi will define a family or any other social situation in which her rights or dues are infringed as requiring the use of violence whereas a Mutooro woman will define the same situation as calling for separation.

Divorce, in Kigezi, is a process which may be as long as the marriage process itself. It is not a question of one of the parties deciding to divorce. Before divorce can actually take place, there are established channels that will have to be followed. There are also attempts by kins, friends and neighbours to restore the marriage especially if children have been born to her. If divorce becomes inevitable, the woman goes back to her parents or brothers or to any male member of her paternal lineage in case both her parents and brothers are not alive. She may be allowed to take with her her youngest child; this is always the case when the child is still breast-feeding. This child will return to her father when it is of age to separate from its mother. It may be a few days, weeks or months before the husband comes to say why he divorced his wife, if he initiated the divorce; or to be told why his wife left him if she is the one who initiated the divorce. It may be, again, days, weeks or months, and in some cases, years before he returns to be paid back his bridewealth. Thus in Kigezi and Ankole, all possible effort is made to preserve the marriage. While the woman is with her family of orientation, or with her relatives, attempts are made to return her to her husband, and in most cases, she returns and resumes her marital status even when she has been away for years. This to a larger extent, is not the case in Toro, even when there is divorce, the process is not as prolonged as is the case in the other two districts.

The static law in case of the areas under study may be explained in terms of leisure and time-spending. The point is that the more and longer the individuals are in constant contact and face-to-face situations, the more they are likely to be involved in conflict; disagreement, dispute and quarrelling. In Kigezi, there is more prolonged contact between spouses in day-to-day family life. Men

go to dig with their wives, they harvest together, they prepare beer together and drink (at home) together. On the average, a Mukiga spends more time at home than a Mutooro. The Bakiga are known to be very hardworking; this means working in the garden or around the home. Drinking tends to take place if not at home, then in the next kin's home or at a neighbour's house a few hundred yards away. Drinking tends to start early in the afternoon and ends early in the evening. Because the Kigezi climate is and at times can be very cold, most men are back at home by supper-time. Few men can afford to be far away from home by midnight. The situation is not the same in Toro. The majority of men in Toro spend most of their time away from home; and not very many remain home to work in their gardens alongside their wives. Drinking in Toro starts quite early in the day and mostly in drinking places and may go on till early hours of the morning. Most men get back home quite late at night and most young men, those in the killing age groups of 20-29, are unmarried and those who are married do not take marriage as seriously as the Bakiga because in most cases they pay no bridewealth and are therefore less committed to the institution of marriage as a value. So late marriage and prolonged absence from home tend to reduce conflict in a Toro family. Although Toro had the highest rate of husband-killing-wife, this rate could be reduced very considerably by redefining the concept of 'wife'. The majority of those killed could be called lovers or what the Batooro call *Omuvisiki wange* (my girl) implying that she is not married to him either by law or by traditional custom but what they call *Malaya*, prostitute. There are a lot more of 'part-time' marriages in Toro than in Kigezi and Ankole, where a woman comes and stays with a man for a few days, weeks, months or even years before their marriage can be formally legalised either by payment of bridewealth or by going to church.¹³ Some men, and even women, prefer this arrangement, because the couple have a chance of 'trying' out marriage and if it appears to work they go ahead and establish a legal marriage; but should they think that they cannot get on, then they drop the idea and go to try with someone else.

13 *Ibid.*

SEX OF VICTIM

In the preceding paragraphs, the point discussed was that concerning Verkko's static law. It was pointed out that in Kigezi, a district with a low frequency rate of criminal homicide, female contribution to this deviation is relatively high because of two main factors. The first was the family patterns and second, because of prolonged contact between males and their female close relatives especially wives and other female relatives living in or near the males' homes. The explanation as to why women in Kigezi show a relatively high rate of participation in criminal homicide must be sought in cultural patterns and domestic arrangements rather than in their biological constitution. Many studies have shown that violence is not an innate attribute among human beings. What is empirically observable is that criminogenic situations are culturally defined as they are culturally created. This observation negates a commonly held view that there are certain 'tribes' or 'nationalities' or 'races' that are more aggressive than others. In Uganda, the Bakiga are feared and known to be quite aggressive although statistics of criminal homicide show that they (the Bakiga) are the least violent in the whole country. Even the concept of 'national character' is difficult to defend on biological grounds; it is to be explained in sociocultural context.

It has been argued that some of the violent offenders are those people whose genetic makeup includes a special form of one chromosome, known as XYY chromosome. The presence of the extra Y chromosome is said to incline the individual to impulsivity and violence. In most human beings, femaleness is determined by XX chromosomes, and maleness by one X and one Y, or XY combination; but recent studies in genetics have shown that there are a few males with an extra Y chromosome.

"Geneticists have found that boys born with XYY chromosomes (XY is normal) seem to have an uncommon chance of becoming tall, stupid, pimply-faced criminals. The suspicion is that the extra Y causes the problem ..."¹⁴

14 Annual Editions, *Readings in Psychology*, 1972, page 261.

This view spread throughout the 'Western' world and in March 1969, one law journal called for preventive detention of males with XYY chromosomes.

But thirteen genetics experts have reported that:

"The demonstration of the XYY karyotype in an individual does not, in our present state of knowledge, permit any definite conclusions to be drawn about the presence of mental disease or mental defect in that individual."¹⁵

In the United States of America, a staff report to the National Commission on the causes and prevention of violence has noted that:

"we know that individual differences in aggressiveness in our species are in part genetically determined. We have seen that it is not "aggressiveness" that is inherited, but a series of processes that interact with the environment to determine predilections to respond with aggressive behaviour in certain situation. ... It is not useful to inquire if aggressive men are born or made; they are born and made."¹⁶

Another point is that culturally, women in this part of the world, are expected to be weak, to be submissive, humble, meek and 'femininish'. This expectation is much more so in Toro than in Ankole and Kigezi; here a woman may not lift up her arm to strike a man whether he is her husband or not. The Toro people say it is *Mahano mali*, something unheard of, extraordinarily bad; in fact the act is in some cases feared to be ritually harmful. There is no situation in which a woman, culturally, may use violence. Just as the Maria women, reported by Wolfgang, are not supposed to take life; they may not kill goats or chickens, or take part in hunting;¹⁷ women in West Uganda have cultural prescriptions against the use of violence. Even in situations which call for use of violence as in killing a snake or a mouse, culturally, a woman is expected to run in panic when she encounters one of these creatures. It is therefore, culture, as Wolfgang has noted,¹⁸ rather than the biology of the females that must explain

15 Op. cit., p. 260.

16 *Crimes of Violence*, Volume 12, "A Staff Report to the National Commission on the Causes and Prevention of Violence," page 424.

17 Marvin E. Wolfgang, *Patterns in Criminal Homicide* 1958, p. 59.

18 *Ibid.*

their low frequency in participation in crimes of violence such as homicide, aggravated assault, and when they do they are most likely to be acting in self-defence. They are most likely to be victims rather than offenders. Their physical make up, with their relative weakness also makes women less likely to offend, but makes them more likely to be offended, because everybody knows that they are weak.

Although females contribute less than males as offenders in criminal homicide, just a little over 11% in the present study; their contribution as victims is about double their share as offenders (23.5%). That is, where one female stands as offender, there are about two to be counted as victims. When we consider the sex of the victims and of their slayers in the present study, we find that males slay each other almost three times as frequently as they kill females; while females kill each other very infrequently. The analysis of data shows that males kill each other almost twenty times as frequently as females kill each other. Males also kill females almost three times as often as they are killed by females; and females kill males three times as they kill each other. This shows the following frequency. First, males prefer to kill other males; secondly, males kill females, as their second choice; thirdly, females prefer to kill males as their first choice; and fourthly, female killing female is the most infrequent sex combination in criminal homicide.

This pattern of demonstrating extreme violence is, again a result of cultural patterns. Men kill other men, because of the frequency and duration of face-to-face, interpersonal interaction. A man is not expected to be found in a company of women; his proper social place and status are in a group of men, never among women. Men meet and drink together, they engage in dispute over property and property rights; they disagree in politics; they compete over women; they are, culturally, expected to demonstrate their masculinity, superiority, and dominance over other men; and all these are very dangerous situations which very often crystallize into heated arguments, quarrelling, and fighting which sometimes end in homicide.

Males have females as their next group of victims. This has to be explained in the domestic quarrels, disputes, jealousies, and the desire to show power and manhood. Relative physical weakness too

plays a role in this matter in that females, as pointed out earlier, are weaker and are expected to display this relative weakness and in so doing they fall victims at the hands of their male opponents. Culture, especially in Ankole and Kigezi, gives the male absolute superiority over the female in the domestic matters of economics, politics, religion and the ownership of livestock, land and other movable property; the female takes a risk if she questions the legitimacy of the male's position. In fact, it is a custom in Ankole and Kigezi, to make this clear publicly on the day of wedding that the man is the master. The bridegroom is instructed to hit the bride on the head as she enters the house and say to her 'speak once while I speak twice!' The wives who insist on speaking as often as their husbands very soon get into trouble.

The females who kill males in most cases kill men who attack them. This means that it is very rare for a female to attack a male except in exceptional cases. The fact that females very rarely kill fellow females indicates that females as a group are less aggressive and less likely to respond to situations with violence. The U.S.A. staff report that has been cited above says in its conclusion on sex and race that:

"Since criminally violent behaviour is socially patterned involving special kinds of interaction between offenders and victims in specific contexts of place and time, for a variety of specific motives (e.g. revenge or gain), an explanation ought to be framed in the same terms, namely, social roles, cultural expectations, and opportunities and models. Since it appears that sufficient explanation for observed differences is found on the level of social and cultural factors, there is little need to invoke genetic factors in further explanation. Should unexplained differences exist, it might be reasonable to inquire into possibly relevant genetic mechanisms and processes; but informed scientific opinion agrees that cultural definitions and social roles provide sufficient explanation for differences between men and women in rates of criminal violence".¹⁹

AGE OF OFFENDER

One general statement may be given at the start of the discussion of age in relation to criminal behaviour and to homicide in particular.

¹⁹ *Crimes of Violence*, Vol. 12, page 426.

This is that the very young and the very old infrequently commit criminal homicide. Wolfgang has written that:

“In general, those who kill are younger than those who are killed.”²⁰

In his Philadelphia study, Wolfgang found that offenders had their highest rate between ages 20 and 24, and their second highest rate between ages 25 and 29.²¹ The present study, as will be seen from the table below, shows that offenders of criminal homicide have their highest rate between the ages of 25 and 29, and their second highest rate between the ages of 20 and 24 and their third highest rate between the ages of 30 and 34. That is, people are most violent between the ages of 20 and 34. People below 20 years especially those under 15 years, are not socially mature enough to mix with others in social gatherings such as hunting, drinking, working groups, etc. to be involved in criminogenic situations. Similarly, old people tend to keep away from social gatherings and are less likely to assert their authority and less likely to demonstrate power by violence as young people are apt. In general, the old members of these societies are expected to keep law and order and also to act as guardians and law and order enforcing agents and therefore most unlikely to engage in violation of these norms.

According to the table below, Ankole, and Kigezi have their highest rate of offenders between the ages of 20 and 24; Toro has its offenders a little older. The three of the four cases of criminal homicide cases perpetrated by people less than 15 years of age were caused by stone-throwing, a practice which is very common among children in this country and may not be considered in the same view as other categories of criminal homicide; committed by older age groups:

20 Wolfgang, *op. cit.*

21 *Op. cit.*

Table V. Age-Groups of Criminal Homicide Offenders by District

Age-Group	Ankole	Kigezi	Toro	Extra Sample	Total
Ap to 14	1	2	—	1	4
15-19	13	11	8	10	42
20-24	24	23	15	11	73
25-29	28	25	24	21	78
30-34	23	16	15	13	67
35-39	19	5	14	13	51
40-44	16	6	5	10	37
45-49	8	7	6	4	25
50-54	3	2	3	3	11
55-59	0	2	2	7	11
60-64	1	2	1	1	5
65-69	4	1	—	—	5
70+	0	1	1	1	4
Unknown Age	21	5	14	117	157
TOTAL BY DISTRICT	161	108	108	212	570

On this point of age in relation to criminal homicide La Fontaine has written that:

“Determining age among Africans, particularly those who are today over 30 or so, is notoriously difficult.”

The author goes on to observe that:

“The general picture which emerges is a true one: that homicide is primarily committed by young men.”²²

For the Gisu, La Fontaine found the peak periods to be between the ages of 25 and 30. In general, criminality finds its maximum expression among the young for most offences. Sutherland and Cressey have reported that “The age of maximum criminality is during or shortly before adolescence.” That:

22 See Jean La Fontaine, in Paul Bohannon, *African Homicide and Suicide*, 1960, page 108.

“Recent English statistics show that the age category of maximum convictions for indictable crimes is 14–17 ... Similarly, in Scandinavian countries, 13–15 is the age of maximum criminality.”

The authors went on to show that:

“Persons under the age 25 constituted 35% of all homicide arrests, 68% of the arrests for robbery, 77% of the arrests for burglary, 72% of the arrests for larceny, and 88% of the arrests for motor vehicle theft”.²³

Tanner found that 21–30 was the age-group with the highest number of criminal homicide offenders.²⁴ Mannheim found that ages 13–15 had the highest rate per 100,000 of indictable offences for males for 1938 and 1959, while females had their highest rates in the 17–19 age-groups.²⁵ It is now a fact universally known that youths commit most of the crimes in nearly all societies.

AGE OF VICTIM

Owing to inadequate or total absence of entry of age on Police charge sheets, and also due to the general application of the word ‘adult’ both in Police and post mortem examination reports, the age of victims has not been easy to tabulate. But from the few cases in which the age of the victim was given, the general picture confirms Wolfgang’s conclusions that “In general, those who kill are younger than those who are killed.”²⁶ Those cases in which the age of victims was given, the ages of 25–29, and 35–39 showed the highest victim-frequency. The next age-groups are 30–34, and 40–44. Cases in which the victims were elderly men or women, were cases of robbery with violence, usually the victims were those elderly people living lonely. The following press reports illustrate this incident:

A sixty year old woman, Yowanina Nambogo was attacked in her house at Kata, Bukoto Masaka. She was cut to death and her house set on fire. Kosiya Lutega, aged 60, of Malinga, Sabagabo Gomba, was strangled to death at his home.²⁷

23 Sutherland and Cressey op. cit. page 122.

24 R.E.S. Tanner, *Homicide in Uganda*, 1964, page 100.

25 Hermann Mannheim, *Comparative Criminology*, Vol. 1, page 107.

26 Marvin E. Wolfgang, *Patterns in Criminal Homicide*, page 65.

27 *Uganda Argus* 18 April, 1969, page 5.

Eighty-year-old Yuda Mukasa, of Kiryanyonza, Mumyuka, Bulemezi, was found strangled in his house. Money, a radio, clothes and other property had been stolen.²⁸

Mwambu (75) and his wife were both slashed to death by six men who broke into their house at Buluganya village, Bulago, Bugisu.²⁹

A 70-year-old man was found murdered in his house at Kakiku (Kakika) village, Kashari, Ankole.³⁰

A lone widow, Mrs. Viriya Namayanja (60), was found murdered in her house at Makateta, Bukoto Masaka.³¹

A 80-year-old man, Petero Nyakabwa, of Kyagalanyi village, Gomb. Mumyuka, Mawokota, was slashed to death and his house was set on fire at night.³²

Kondos armed with stones, pangas and knives broke into the house of an old man and cut him. He died at Mityana Hospital. Phillip Wagwekku, 80, was sleeping in his house when the thieves broke in. They took all his property.³³

Using the data collected over one year from *Uganda Argus*, the highest age-groups of victims (of victims whose age was indicated) are 30–34 first, then 25–29 age-group comes second. On the whole, the general picture shows as do the Philadelphia data, that older people are much more likely to be victims rather than offenders.³⁴ The obvious reason for this age differential of offenders and victims is that, in criminal homicide cases which involve robbery with aggravation, it is very often the young man who is too ambitious and impatient to get rich as quickly as possible. The old men are killed because, in Uganda, especially in Buganda, they are suspected of hoarding large sums of money in their houses. It is the young men too who are most likely to fight for women and in so doing kill or get killed. The old men and women are more settled sexually

28 *Uganda Argus* 7, May, 1969, page 5.

29 *Uganda Argus* 23 May, 1969, page 1.

30 *Uganda Argus* 13 May, 1969, page 3.

31 *Uganda Argus* 19 June, 1969, page 5.

32 *Uganda Argus* 15 July, 1969, page 6.

33 *Uganda Argus* 26 June, 1970, page 5.

34 Marvin E. Wolfgang, *Patterns in Criminal Homicide*, page 76.

and financially and hence get involved more often as victims rather than as offenders. The prevalent crime of *kondo* (robbery with aggravation) is a crime that requires strength and swiftness and these are, generally, attributes of young men. Women are completely excluded from this type of criminal behaviour because of its nature which requires strength of arms and soul. Old men too, except the very professional ones, are not commonly found taking part in *kondo* gangs; because they are almost settled, and very often have their families to consider just in case one is killed or arrested, and because of their relative weakness, and higher stake in society. Occasionally, females get involved in robberies. In Fort Portal, a woman bank clerk was convicted of fraudulent practices, and Drum Magazine for November 1972, reported a bank robbery in the small town of Kerugoya in Kenya, in which a gang of men and one woman got away with just one million shillings in what the paper referred to as 'a daring robbery'. In most such cases, females get involved as accomplices, rather than active participants in the actual process.

CHAPTER 4

WEAPONS AND METHODS OF INFLICTING DEATH

WEAPONS

The analysis of weapons and methods of inflicting death reveals very fascinating cultural patterns especially when whole cultures and subcultures are compared.

In the Philadelphia study of 588 cases of criminal homicides. Professor Wolfgang¹ listed a number of weapons that were employed to inflict death. They ranged from penknives, kitchen knives, to rifles and revolvers, shotguns and pistols but he did not list a single case in which a spear was said to have been used to inflict death. In the present study of 501 cases of criminal homicide, there are only four cases or 0.8% in which firearms were used to cause death; otherwise there are no pistols, and other types of firearms. In 1970, the United States Federal Bureau of Investigation reported, through its annual Uniform Crime Reports, that guns (all types of firearms) were responsible for 66.2% of all criminal homicide cases; while the Task Force reported that firearms were the most commonly used weapons regardless of the sex, race, or age of the victim.² Tanner, in his Uganda Survey, found that firearms (including muzzle-loading) accounted for about 1.7%.³ This shows that people will use whatever weapon is available to inflict death; and also people will use what is culturally defined as an offensive or defensive weapon when a situation arises which requires the use of violence beyond mere physical force.

It was hypothesized that the cultural requirement especially on the part of male members of Bantu society to carry weapons was a contributory factor to the incidence of criminal homicide. Negatively, this implies that if this cultural trait did not exist, the

1 Marvin E. Wolfgang, *Patterns in Criminal Homicide*, p. 78-90.

2 Staff Report, *Crimes of Violence*, Vol. 1, page 235.

3 R. E. S. Tanner, op. cit. page 98.

homicide rate would be lower than it is. There is no way of testing this assumption empirically as it is never going to be possible to have a control group which would be culturally homogeneous as the group under study now. But as Wolfgang points out the slayer will use another weapon when another weapon is not available;⁴ but also, it is possible that a would-be homicide case may be an assault one if a less lethal weapon is used instead. This is especially true of homicide cases which are perpetrated by females. A woman who slays her husband with his spear is most likely not to kill him if she uses her physical force assuming that she does not pick up a stick in the absence of a spear. For when the spear, the stick, and the kitchen knife are not readily available, the would-be homicide or assault may end in mere altercation and threats of divorce.

Traditionally, the Bantu men who are dealt with in this study carry very sharp spears. This is, I should think, a hang-over from pre-colonial time when there were inter-tribal and inter-clan fighting; and when animals were a menace to human life. Spears and sticks and sometimes pangas were carried mostly for defence. This tradition was proscribed by the British colonial administration of the past in an effort to end inter-tribal feuds and fighting. But culture has its lag; and today most of the men in these societies still keep spears in their homes not so much as for defensive purposes but mostly to symbolize their masculine status. A man owns a spear and a panga; because these are the outward symbols of masculinity, especially if he is a head of a family—*eicumu rya nyina eka*—the spear of the head of the family is an important indication of seniority and maturity of manhood. A spear today is less visible than a panga but most men still keep spears in their homes. A panga is a very common garden tool and very easy to carry. Sticks, were adopted to replace spears when the latter were illegalized. Knives are not carried or kept in pockets except by very few deviant young men who keep folding pocket knives for self-defence or even for offensive purposes especially in Toro; which, I think, is a new development. A man who carries a knife is, on the whole, regarded as a coward, *ekifeera*.

The use of pangas in criminal homicide and other assaults of violence is becoming more and more frequent. In October 1968,

4 Wolfgang, op. cit.

a Uganda High Court Judge warned against the use of pangas for attacking human beings. This was a bad case in which a man cut his mother to death; 18 cut wounds were inflicted on the victim. Sentencing the accused to 19 years' imprisonment the judge warned that:

“The use of pangas for attacking human-beings is far too prevalent in this country and deterrent sentences must and will be imposed by courts upon those convicted of using pangas to attack human-beings.”

The panga is a very efficient domestic equipment and its use in crimes of violence is likely to continue as spears disappear. Few smiths now make spears, but more shops now sell pangas. The question of the availability of a lethal weapon is an important one; both for offensive and for arousing anger in the offended to the extent of giving himself up either to kill or to be killed. The Abakiga have a very interesting habit in regard to spears. When a man means to fight his drinking-mate he will first remove any spears in the room and put them out of sight. This is a signal that no ill is intended, but that fighting is to teach the troublesome fellow. Conversely, the Abakiga and Abanyankore men will fight to kill if the attacker makes use of such an instrument; as the spear, panga or knife. Traditionally, no sharp or dangerous weapon is expected in physical combat.

Table VI. Weapons and Methods of Killing in Criminal Homicide by District

Weapon	Ankole	Kigezi	Toro	Extra Sample	Total
Spear	27	15	29	19	90
Stick	19	15	23	26	83
Panga	20	8	9	15	52
Knife	6	5	13	9	33
Beating	3	3	10	12	28
Hoe	5	4	0	8	17
Throttling	7	4	1	4	16
Stone	9	3	0	3	15
Kicking	2	4	2	3	11
Axe	0	1	0	8	9
Piece of Wood	2	3	3	0	8
Arson	4	1	1	1	7
Sickle	0	4	0	2	6
Arrow	0	0	1	5	6
Bottle	2	0	0	2	4
Gunshot	1	1	0	2	4
Poison	3	0	1	0	4
Iron Bar	0	1	1	1	3
Intramuscular Injection	2	0	1	0	3
Abandonment	2	0	0	0	2
Hammer	0	2	0	0	2
Peste	1	0	0	0	1
Pushing	2	0	0	0	2
Handle of Hoe	0	1	0	0	1
Drowning	0	1	0	0	1
File	0	1	0	0	1
Ant-Hill	1	0	0	0	1
Tree Stump	1	0	0	0	1
Wooden Stool	1	0	0	0	1
Wooden Spoon	1	0	0	0	1
Iron Pipe	0	0	0	1	1
Unknown	24	24	6	33	87
TOTAL	145	101	101	154	501

The above table shows that of the 501 criminal homicide cases, 90 or about 18% were perpetrated by the use of spear; almost 17% by a stick, and 10% by use of a panga. That means that about 47% of the 501 cases of criminal homicide, were caused by the use of the most common domestic articles, the spear, the stick and the panga. When the cases in which no weapon was indicated are excluded, the three weapons count for more than fifty percent of cases; while other twenty-eight weapons and other methods of killing make up the other fifty percent. This shows that the commoner the weapon, the more it will be used in violent encounters; and *vice versa*.

The study of weapons of criminal homicide shows some sub-cultural tendencies or preferential use of weapons. Toro district, with 61 homicides committed by use of the three most lethal domestic weapons, or approximately 60%, shows the highest sub-cultural preference to use these domestic weapons, especially the spear. When the percentage is calculated upon the cases in which weapons of inflicting death were known, it becomes 63%. Ankole is the next area with about 44%. The three districts had 47% of cases of homicide caused by the spear, the stick and the panga, in the study.

The next weapon that is common in inflicting death is the knife. Toro uses a knife to kill more than twice as Ankole and Kigezi put together. That is more than 13% of homicide cases were caused by a knife as compared to just over six and four percent for Kigezi and Ankole, respectively. In Ankole and Kigezi one is thought of as a coward if he resorted to the use of a knife in fighting; and very few people will be found to be in possession of a knife as a weapon of protection. This again is due to tradition. The Abanyankore and Abakiga knife (Rurara) is a big weapon which is as long as a foot and more when the wooden shaft is included. It is not easy to carry around and comes out of its keeping when an animal is to be slaughtered. So cases in which knives were used as weapons of destruction involved members of the domestic group; and where the victim was not a member of the domestic primary group, he was killed at the home of his slayer as one case from Ankole illustrates. In this case the victim went to the home of the offender hoping to entice her to have sexual intercourse with him. This was not possible, a dispute developed which ended in the demise of the male visitor.

The high frequent use of deadly weapons is related to the situation in which violence is deemed as the only way of getting out of it. Clinard has differentiated murders, as has already been referred to, into those which result from long-standing disputes, and those that occur during sudden outburst of anger and those due to subcultural factors.⁵ In these three types, a spear and a panga are preferential weapons for use in cases of long-standing hostility, because of their sharpness and efficiency. Also in cases of sudden rages of anger, the spear, the stick and the panga are the most handy weapons with which to deal a foe with one or two blows in order to silence him for ever. These are also weapons which the weak members of society such as women, young and old people are most likely to use when they get involved in criminal homicidal situations because of their relative weakness. The carrying of spears and pangas also creates homicide situations which would otherwise end in simple fighting. A man who emerges from a house or who rushes into the bedroom for his spear is most likely to arouse more hostility by introducing a killing weapon in a situation in which fighting with fists would have settled the conflict. With a spear in hand, the unarmed is most likely to kill the armed person if he gets something with which to kill. There are cases of this nature in which a victim was the first person to arm himself with a spear or panga. The offender, in these cases, is usually the unarmed, but because of flight at the sight of such a weapon, he defines the situation as requiring his utmost ability, so he is all out either to be killed or to snatch the weapon from his adversary and use it on him. These cases of victimology will be discussed later. In fact when dispute develops between armed men, if one of them removes his spear or hands it to someone else to keep it away, as is the custom among Abakiga, the dispute is most likely to end in physical combat and without loss of life. Because the act of removing a dangerous weapon from the scene is viewed by the parties involved as a sign that no serious harm is contemplated whereas the appearance of such a weapon in the same situation is most likely to be interpreted as a warning of an impending disaster.

5 See a detailed discussion of typologies in Marvin E. Wolfgang and Franco Ferracuti, *Subculture of Violence*, page 188-191.

There are the subcultural factors that also determine or explain the sudden outbursts of anger; because every sociocultural group defines for its members the use of anger and how to control and express it. What may provoke a sudden outburst of anger in one cultural group is not necessarily anger-provoking in another cultural group. This shows that different cultural or subcultural groups express anger in *culturally* defined ways; because aggression is not a culture-free attribute in human beings. Aggression, in Freudian psychology, is the conscious manifestation or projection of the death instinct or *Thanatos*, which comes as a result of frustration and very often is directed to another person or object. According to Adler, aggression is the manifestation of the will to power over other people.⁶ Both views imply that aggression is an innate characteristic, in which case some individuals are more aggressive than others. But individuals being members of cultural groups, their innate characteristics are subject to the mechanisms of social control. Through the differential socialization process, individual aggressive tendencies are either allowed free expression, controlled and directed or completely suppressed. By differential socialization is meant that different cultures will put varying emphasis on the social use of anger and aggression.

In the sample, Toro beats more to death than Ankole and Kigezi, again put together. Wolfgang has shown that when homicide is caused by beating, the beating is more likely to have been done by more than one person;⁷ and in such cases it is very often difficult to pinpoint who is the real person who inflicted the deadly blow. This type of method of killing is becoming common in Uganda especially in cases of suspected thieves. The Uganda press is full of such reports as the following will show:

“Two men were beaten to death by villagers who suspected them of breaking into a house at Kigogwa, Kyadondo, Mengo, and stole property worth 50/-.⁸ Two securicor men were beaten to death by villagers at Magogo, Gomb. Kasozi, Buzaaya Busoga, when they were

6 J. P. Chaplin, *Dictionary of Psychology*.

7 Wolfgang, *Patterns in Criminal Homicide*, Chapter 5.

8 *Uganda Argus*, Wednesday, 25 March, 1970.

mistaken for thieves.⁹ Tadeo Metaka (30) is alleged to have been beaten to death by villagers at Butiki Butembe, Busoga, on the allegation that he had stolen clothing”.¹⁰

Three alleged thieves beaten to death.¹¹ At Nyangole village, Tororo, a man who was accused of being a thief was beaten to death by a crowd. He ran into a house and locked the door, but the crowd broke down the door.¹²

Four bodies of unknown men were found lying on a footpath with stab wounds and tied with ropes at Kamusenene village, Mityana. It is believed that they were killed by villagers on suspicion that they were the notorious robbers in the area.¹³

Apart from those cases in which the victims are alleged to be thieves, most of the cases in which the offender beats the victim to death start from very trivial disputes especially after or while drinking. In such cases, usually, the motive is very difficult to determine because the commonest intention is not really to kill or even to inflict grievous harm, but either to silence an opponent or to show who is stronger. Usually the offender after the act, is overwhelmed with shock as the unexpected happens and his victim dies. Hence the common pleas of “I did not intend to kill him, it was bad luck.”

Toro is the only society whose sample does not show a case of homicide caused by a hoe. This could indicate a lesser role a hoe plays in the lives of the people of Toro. In Ankole, of the five victims of hoes four were killed by women, of the four victims of female offenders, three were husbands and one was a father. The one case in which a man used a hoe to kill another man was of a man who killed his brother in a dispute about the question of bridewealth. Then in Ankole, it is the woman who is likely to resort to the use of a hoe to kill her victim, who is most likely to be her husband. In the four Kigezi cases, two were a woman and her daughter who were in the garden digging when the former husband of their daughter and

9 *Uganda Argus*, Thursday, 16 April, 1970.

10 *Uganda Argus*, Tuesday 19 August, 1969.

11 *Uganda Argus*, Tuesday 9 September, 1969.

12 *Uganda Argus*, Friday 26 September, 1969.

13 *Uganda Argus*, Wednesday 10 September, 1969.

sister respectively appeared to demand the return of the bridewealth. The dispute started, the man took a hoe from one of the women and killed both of them with it. In the other two cases, a man killed his father while drunk and the other was a Nyarwanda who killed his fellow Nyarwanda neighbour. In Ankole and Kigezi, a hoe to a woman is what a pen is to a scribe or a hammer to a builder. In Toro women are not so much engaged in manual agriculture as is the case in the other areas. Women in Toro, employ Abakonjo, Abamba, and Nyarwanda men as porters to do the digging and cultivation of the gardens and are therefore not in constant use of the hoe.

Ankole leads the list in killing by throttling. This is a practice of killing a person without his calling for help. The offender causes death of the victim by asphyxia which is brought about by closure of the air passages in the neck. Of the seven victims, two were wives killed by their husbands; two were a boy and a girl killed by their Nyarwanda father, two were Nyarwanda porters killed by their Mukiga employer and one was of a woman who strangled her female neighbour who entered the former's house at night. In the Kigezi sample one victim was a small boy of two years killed by his father; one was of a lunatic woman who strangled another lunatic woman when the two were locked up in one cell; one was of a woman choked by her husband and one of a Nyarwanda who strangled his half-brother.

Ankole also heads the list of victims killed by stoning. There is no clear explanation why people in Ankole should use stones to kill their victims more frequently than other districts; but looking at the situations in which these murders took place, one thing seems to stand out; that these were cases of impulsive aggression with no pre-meditation. Two cases involved delinquent children. One involved two men who quarrelled about two fighting dogs. And the Abanyankore prohibit the separation of fighting dogs and hens. Nearly all of them are those cases in which anger overtakes one of the disputing individuals and he picks up whatever is available to inflict the deadly blow. The throwing of stone to an opponent is one of the means to scare him away, and it is in rare cases that the intention is actually to hit the victim.

One weapon, the sickle, appears four times in Kigezi sample and not in the other two samples, but also claimed two victims in the extra sample. Two cases were victims of schizophrenic and psychotic patients respectively; one involved two Nyarwanda. One killed the other, a clan brother, when the latter disclosed the fact that the former had committed a murder in Rwanda before he came to live in Uganda.¹⁴ The question is why sickles in Kigezi and not elsewhere. Sickles seem to be important tools in land clearing and swamp reclamation operations which are very common in Kigezi. They are more efficient at clearing bush than pangas and are therefore more abundant in Kigezi than in Ankole and Toro. Kigezi is a district where there is a lot of bush and thick grass clearing and swamp reclamation. In Toro, the elephant grass is not a type of grass which you can cut down with a sickle; it is too thick for the tool, a panga is a much more efficient tool. In Ankole, with the exception of some areas of south west, a sickle is not necessary to clear a plot for crop cultivation. Many people own sickles in Kigezi, but not in Ankole and Toro. This is related to the earlier question of the availability of a weapon.

The rest of weapons used to inflict death do not show great variations from area to area; as can be seen from the sample in the table.

Table 7 shows a list of cutting and piercing weapons and the number of victims. These are weapons made of metal and are sharp at their edge; such as spears, pangas, knives, hoes, axes, sickles, arrows and a carpenter's file.

In the whole sample the cutting and piercing instruments were responsible for about 51% of all victims of homicide that were inflicted by a known weapon. That is, of the thirty one weapons and methods of inflicting death, cutting and piercing weapons, only eight in number, accounted for more than a half of the victims.

14 Kigezi court case No. 264/63.

Table VII. Cutting and Piercing Weapons and Victims

Weapon	Ankole	Kigezi	Toro	Extra Sample	Total
Spear	27	15	29	19	90
Panga	20	8	9	15	52
Knife	6	5	13	9	33
Hoe	5	4	0	8	17
Axe	0	1	0	8	9
Sickle	0	4	0	2	6
Arrow	0	0	1	5	6
File	0	1	0	0	1
TOTAL	58	38	52	66	214

This means that when a person is to inflict a deadly blow to his victim, he is most likely to select a weapon, as Wolfgang says,¹⁵ that will do his job efficiently and quickly. To select any other, especially the less lethal weapon is likely to be not to the desire to kill, but to defend oneself or to do harm without the specific motive of killing. The availability of weapons is very important. The following case illustrates the situation:

“Accused was wife of the deceased. On 25 August, 1967, they were outside cooking (with her daughter). Accused asked her daughter if the food was ready. Her daughter replied that it was not ready. The deceased came out with two plates in his hands for food. The accused told the deceased that the food was not ready. Deceased then beat her on the head with the two plates. The daughter took a piece of firewood and hit deceased on the ribs. Accused took a piece of firewood and hit deceased twice on the head. He fell down, started bleeding. The daughter reported incident. The deceased said the accused and his daughter had fought him. Deceased died next day.”¹⁶

Very often, assault cases, because of lack of medical care, become criminal homicide ones. The following is an example of a homicide case which resulted from what a medical person would call a not serious injury, but because of absence of medical care and lack of elementary first aid knowledge, a minor injury turned into a homicide:

¹⁵ Wolfgang op. cit

¹⁶ Gulu, Case No. 128/68.

“Date was 31 January, 1967. Accused and deceased had been drinking for sometime. There was a quarrel later in the day. Deceased called accused “toothless”—regarded as an insult. The deceased left. The accused followed him at about 9 p.m. and shot an arrow in the direction of his brother. It hit him in the calf and he died of haemorrhage.”¹⁷

In this case, unlike the former one in which a woman with the help of her daughter beat up her husband, the desire of not to kill but to inflict harm is implicit. Although the deceased had provoked the accused by calling him toothless, he later withdrew from the scene only to be followed and shot at by the accused, who was his brother. The use of firewood in beating the deceased in the former quoted case, and of an arrow in the latter indicate situations and mental processes of the offenders. It is in this view that a person who has no intention to kill will use whatever weapon is handy to beat or hit his victim whereas one with an intention to kill will select, a spear, a panga, an arrow, or when he uses a blunt instrument, he will beat the head; again this could be accidental.

Toro tops the list of the three areas, and is also above the whole sample with 54% of the victims of cutting and piercing weapons. This tendency to select the most lethal weapons to inflict injury also proves the high murder rate in Toro as compared to other districts. Of the 108 offenders of criminal homicide of Toro sample 22 or just over 20%, were found guilty of the crime of murder as against 9 out of 98 for Kigezi, 30 out of 151 for Ankole, and 42 out of 212 in the extra sample. In terms of percentages, Toro had 20, the extra sample shows 19, Ankole 19 and Kigezi just a little over 9. Therefore where a lot of killings are also murders people will be found to use much more frequently such cutting and piercing weapons as the spear, and the panga, and when blunt weapons are used the part of the body selected for beating is the head, and then the offender gives several blows instead of a single blow. Ankole (with 48%) and Kigezi (with 49%) hardly differ in their selection for the cutting and piercing weapons; this reflects cultural similarities.

The next type of weapon or a group of weapons are those made of wooden objects. Table 8 below shows the number of victims of each type of weapon by district.

17 Gulu, Case No. 732/68.

Table VIII. Wooden Objects Used to Inflict Death by Victims

Weapon	Ankole	Kigezi	Toro	Extra Sample	Total
Stick	19	15	23	26	83
Piece of Wood	2	3	3	0	8
Pestle (Omuhini)	1	0	0	0	1
Handle of Hoe	0	1	0	0	1
Tree Stump	1	0	0	0	1
Wooden Stool	1	0	0	0	1
Wooden Spoon	1	0	0	0	1
TOTAL	25	19	26	26	96

From the above table, it is quite obvious that the stick is, out of all wooden objects, the most likely weapon to use to inflict death. Of our three areas, Toro shows a high rate of using sticks. Sticks are the second to spears in Toro to be selected to cause death. There is, however, no clear definition of 'stick'. In Orunyankore the literal translation of a walking stick is *enkoni*. But very often any piece of wood is a stick especially if it is longish and not quite thick, so there are cases listed in the sample as due to sticks when they should go under piece of wood, and others under that heading when they should be listed under sticks. There are linguistic problems in translating English into vernacular languages.

All told, wooden objects, as weapons, caused about 23% of all cases in which the weapons that caused death were known. Tanner in the work that has already been cited, found that 'stick' as a weapon of inflicting death was responsible for the highest rate of 13.9%, while the panga or machete counted for 11.3%; spears and guns contributed just about 2% each.¹⁸

METHODS OF KILLING WITHOUT WEAPONS

In absence of any implements, a slayer will attack his victim with brute force, either by beating, kicking or pushing or, as is more often and most likely, all of these methods will be used in combination to subdue a foe. Throttling or strangulation, as was indicated above, is more frequent in Ankole; but no clear explanation for this.

¹⁸ R. S. E. Tanner, op. cit. page 90.

The following table shows methods of inflicting death other than by use of a weapon:

Table IX. Use of Physical Violence in Inflicting Death by district

Weapon	Ankole	Kigezi	Toro	Extra Sample	Total
Throttling	7	4	1	4	16
Kicking	2	4	2	3	11
Pushing	2	0	0	0	2
Beating	3	3	10	12	28
TOTAL	14	11	13	19	57

As can be seen from Table 9, the use of physical brute force is not very popular. It is not humanly easy for a person to choke another one without help. But when this happens, it means that the victim was in one way or another at a greater disadvantage. Either he was quite young or quite old in comparison with his slayer, or was physically or mentally weaker than his killer. In throttling a person, the actor needs extra strength to be able to cause asphyxia. Thus the victim of such methods of killing are mostly elderly people, women or children or people who are in one way or another physically inferior to their slayers.

Kicking as a method of killing is equally rare and highly unreliable as an effective method. Kigezi shows four cases while Toro and Ankole have two each. Of the four Kigezi cases, one victim was a Nyarwanda who was kicked by a fellow Nyarwanda; one case was of a Muhororo woman who kicked her co-wife and ruptured her spleen; the victim was already suffering from a type of splenomegaly. The fourth is of a man who kicked his wife and caused her to abort after which she died of sepsis and peritonitis following the incomplete abortion. In the two Toro cases, one victim was a boy of six who was kicked by his father who was suffering from arteriosclerotic dementia; the other case was of an old man of 50 years who was alleged to have been kicked by a man thirty years younger. The court acquitted the accused because there was not enough evidence. All these cases indicate that the person who dies as a result of a kick is either already in poor physical health or is too young or too old when compared to his slayer.

Pushing as a method of killing is very uncommon. In the whole sample only two cases are recorded, both from Ankole. One case was of a small girl of two and half years of age who was thrown down by her stepmother who was fighting her co-wife; the mother of the deceased. In the second case a struggle started at a beer party, one man pushed another one and the latter died as a result of internal injuries.

The use of physical force accounted for 11% of victims whose death weapons were recorded. It is not a popular way of killing because of a number of reasons as indicated above.

There are, however, some 47 victims in the sample who were killed in other ways and by other types of weapons other than those discussed above. Table 10 shows these weapons and methods.

A few of these weapons and methods as listed below need some explanation. The use of stones in Ankole has already been dealt with.

Table X. Miscellaneous Weapons and Methods and Victims by district

Weapons	Ankole	Kigezi	Toro	Extra Sample	Total
Stone	9	3	0	3	15
Arson	4	1	1	1	7
Bottle	2	0	0	2	4
Gunshot	1	1	0	2	4
Iron Bar	0	1	1	1	3
Poison	3	0	1	0	4
Intramuscular Injection	2	0	1	0	3
Abandonment	0	2	0	0	2
Hammer	0	2	0	0	2
Drowning	0	1	0	0	1
Ant-Hill	1	0	0	0	1
Iron Pipe	0	0	0	1	1
Unknown	24	21	6	33	87
TOTAL	46	32	10	43	134

There are four cases of deaths as a result of arson in Ankole and one from each of the rest of the samples. Of the four cases recorded in the Ankole data, one was a case in which an epileptic man set his own house on fire in which his little daughter was burnt to death. The second case also was of an epileptic Nyarwanda man, who set fire to his Koki neighbour's house in which the latter was burnt to death. Of the other two, a man was found burnt to death in his house, the accused man was found not guilty; and the other case of a woman who set fire to her neighbour's house in which there was a small boy who was burnt to death. Arson is fast disappearing as a method of inflicting death because of increasing use of iron corrugated sheets. It is also an unreliable method of inflicting death; usually the victims are either the very young, the very old, or the sick and the drunkards. Tanner found that fire with torch accounted for about 1.7% of his sample for male offenders. In the Ankole sample, there are two cases in which the killing was effected by the use of a bottle. One of the cases was of two men fighting, one of them picked up a Pepsi Cola bottle and aimed to hit the other with it; it missed and hit a by-stander and broke his skull. In the second case, two young men, one 21, another 17, were drinking when a quarrel started between them. The younger man hit his drinking friend with a bottle and fractured his skull. The use of beer bottles in fights seems to be increasing especially in Buganda in small bars.

The two victims of abandonment were twin babies, who were abandoned by their mother with the consent of her own mother. Infanticide will be discussed in a later chapter on motives in criminal homicide.

Table 11 shows the number of victims according to the types of weapons and other means of inflicting death, as a summary.

Table XI. Summary of Weapons by district

Weapon	Ankole	Kigezi	Toro	Extra Sample	Total
Cutting and Piercing	58	38	52	66	214
Wooden Objects	25	19	26	26	96
Physical Violence	14	11	13	19	57
Miscellaneous	48	33	10	43	134
TOTAL	145	101	101	154	501

One other interesting question is whether or not, females use the same methods and weapons when they kill as males. Because of the small sample of female criminal homicide offenders, it was not possible to discern clear patterns in weapons and methods selected for inflicting death, by females.

The following table shows the pattern and preference of weapons and methods of committing homicides by sex.

Table XII. Choice of Weapons by Sex

Weapon	Offender Male	Offender Female	Total
Spear	86	4	90
Stick	73	10	83
Panga	46	6	52
Knife	31	2	33
Beating	26	2	28
Hoe	12	5	17
Throttling	14	2	16
Stone	14	1	15
Infanticide	0	12	12
Kicking	10	1	11
Axe	7	2	9
Arson	6	1	7
Sickle	5	1	6
Poison	3	4	7
Iron Bar	2	1	3
Pushing	1	1	2
Abandonment	0	2	2
Handle	0	1	1
Unknown	79	8	87

From the above table, one important point stands out; and this is that women do not frequently use spears to kill as much as men do. Of all victims killed with spears, there were four women offenders which is about 4.5% of the cases of the spear for females. Another weapon with a relatively low frequency among females is the *panga*, with about 11% and a stick with about 12%. The hoe has a higher

frequency in female circles, with about 29%; because of its frequent use by females.

For comparative purposes, a list of criminal homicide cases was compiled from reported criminal homicides in the *Uganda Argus* Newspaper from February 1969 to January 1970. The list, however, has not been completed for some reasons. There are crime reports almost daily in the press. Some are very vague, some are hidden in the corner of the paper, but effort was made to get out every case of criminal homicide. Cases in which crime was not suspected have been left out such as "he was found dead in his house" with no more details. In all 454 victims were sorted out of one year's press reports. Our interest here is to find out whether there is any similarity in the use of weapons. Unfortunately the press reports are, generally, very incomplete. There are cases in which a murder is suspected but no mention of method or weapons used in the killing. There were, out of 454, only 181 in which the methods or weapons were mentioned and these are shown in Table 13 below and are listed along the main sample:

Table XIII. Comparison with Data from
Uganda Argus February 1969 to January 1970

Method or Weapon	Uganda Argus	Main Sample
Beating	57	28
Shooting-Firearm	24	4
Cutting, Panga, etc.	21	52
Slashing and Hacking	17	—
Strangulation	17	16
Arson	16	7
Stabbing	13	—
Spearing	10	90
Shooting—Arrow	3	6
Drowning	1	1
Nailing in Head	1	—
Pushed into a Vehicle	1	—
The Rest/Unknown	273	297
TOTAL	454	501

The most striking thing is the more frequent use of physical violence, such as beating, and firearms that appear in the press reported criminal homicides, 57 and 24 cases respectively and relatively few victims of spears. Beating, slashing, cutting and hacking are all more frequent in the press sample than in the main sample. The beating method is more frequent in the press sample because, most of the reported homicide cases are those involving robbery with violence. It is also in these cases of house-breaking and entering that throttling or strangulation especially of elderly people is done. The use of firearms is becoming more fashionable as much as they have become more abundant. In some cases machine guns have been used in road hold-ups. This is a very crucial issue and a very difficult one to explain. While it has been possible for people to develop and manufacture home-made guns, it still remains a mystery how local people come to possess, borrow or hire machine-guns.

Spearing is not a very popular method of killing for gain which is the most important motive in these cases from the press reports. Partly because a spear as we saw earlier on, is a domestic weapon, and is not frequently used as a walking aid. Those who are killed by the use of a spear are most likely to be killed either at their homes by their kin or at the homes of their slayers as when a thief is speared while stealing. Beating as a method of killing has two explanations. One is that it is the most frequent method of dealing with thieves at the spot. Even for stealing a chicken, half of the village will rush to the spot to beat the thief and usually they beat him to death. Beating thieves is almost an entertainment of some sort. People take it almost for granted that a thief is entitled to be beaten to death. There is not the slightest compunction for a person killed while stealing. It is in such cases that social norms come into conflict with the law. The people in fact look on and wonder to see the Police arresting people who beat a thief to death. But I have also heard a chief in Ankole complain that the police have been encouraging people to kill thieves even openly. In a number of places in Uganda, local villagers have organized themselves into what are called '999' groups or 'Vigilantes'; which are groups of people from the same village who patrol the village paths at night to guard against armed robbers.

There has been a number of cases in which the vigilantes and 999's have fought battles with robbers.

Two other cases need explanation. One is the case in which the victim had been nailed. This is a very cruel way of inflicting death. A nail of about six inches is nailed through the skull into the brain to cause sub-meningeal haemorrhage. A post mortem examiner may be unable to determine the cause of death if the skull is not thoroughly examined for nails. Another case which is unique is that of a person who was killed when another man pushed him into the road as a fast moving vehicle was approaching. It was the man who pushed the deceased that was charged and not the motorist.

In conclusion, it must be pointed out that committing homicide and the selection of a weapon with which to do it are related to the situation in which one or two of those involved in the type of interaction decide to end the interaction; or in cases where there is no specific motive of killing, the availability of a suitable weapon will make it all the more easier to commit a homicide. In everyday life, human beings are surrounded with many articles which can be used to kill; but because killing, especially, of a human being, is bad, many people resort to other means to settle their disputes in a peaceful and non-violent manner. The use of a very unusual or an out-of-the-way object, such as a small ant-hill (*empikye*) or a wooden stool is an indication that the homicide was an accident and was never contemplated upon by the offender till the moment of disaster and the incident leaves the offender in a situation of mental agony and despair. In most of homicides which lack premeditation use is made of any article that is handy; there are cases where telephone receivers have been used, or radio sets etc.

CHAPTER 5

THE VICTIM-OFFENDER RELATIONSHIP

PRIMARY GROUP

It was hypothesized at the beginning of the study that criminal homicide, unlike some other criminal activities, tends to involve people who are known to each other and in most cases, those who are related in one way or another. The hypothesis, however, does not include homicide cases that are perpetrated in a course of a commission of another felony, such as robbery with aggravation. There are many cases of this nature in Uganda, in which unrelated and very often people unknown to each other, get involved in criminal homicide episodes as offenders and as victims during robbery with violence. These cases differ from other categories of criminal homicide in that they lack the dyadic element that characterises most of criminal homicide cases especially those that affect the members of the domestic group.

Hans von Hentig's German study has shown that about one-third of all homicide victims are members of the offender's family.¹ Wolfgang's Philadelphia study showed that:

"Categories which involve primary contacts (close friend, family member, paramour, and homosexual partner), when combined, constitute 65% of all victim-offender relationships."²

In the present Bantu study, the primary group category drawn very arbitrarily, includes the members of Ego's family of orientation and those of his family of procreation; that is: father, mother, brother, sister, other siblings; wife, husband, daughter, son and others. This categorisation excludes the large group of people that are termed 'friends' or 'close friend'; by Wolfgang in his Philadelphia study. The problem has been, as Bohannon has shown,³ the specific meaning of these concepts, even of such a concept as 'family member'

1 Hans von Hentig, *Modus Operandi in homicide of relative*, 1967.

2 Marvin E. Wolfgang, *Patterns in Criminal Homicide*, 1958, page 206.

3 Paul Bohannon, in Wolfgang's *Studies in Homicide*, 1967, page 223.

is not specific. To avoid this ambiguity, I have listed all the eight relational categories found in an extended family, and have added 'other siblings' and other descendants to refer to relatives by blood and especially those who are admitted in the family, like Ego's father's other children by extra marital relations who, very often, are brought in the family quite early in life. 'Other descendants' in this study, refers to Ego's unspecified children; that is in the Kigezi sample there are 12 victims listed as 'other descendants'. All of these are cases of infanticide, known, and dealt with by the police and the courts except that one thing was not indicated and that was the sex of the victim. Friendship and close friendship being more ambiguous, have been shifted from the primary group which implies a constant and frequent face-to-face relationship to the tertiary group which includes Ego's consanguine and affine 'distant' relationships, neighbours, acquaintances and all those people with whom Ego interacts in his daily life outside his domestic and family group; although some friends may be in more frequent and direct interaction than family members.

The analysis of victim-offender relationship in this study shows that 159 victims out of 501 or just about 32% of all the victims were members of the family. This percentage will, certainly, be higher if we include neighbours, friends, and workmates. The following table shows the number of victims according to their relationship with their slayers, and according to the category adopted here, of primary, secondary and tertiary relationships according to 'closeness' of biological relationship and the degree and frequency of social contact of victim and the offender.

Table 14 shows that Kigezi has the highest rate of killings within the domestic primary group. Of 101 victims in the Kigezi sample, 50% were members of the primary group, among whom babies were the favourite victims; followed by grown up sons, then fathers, wives and so on. Within the Kigezi family, women killed 36% of the victims. In Ankole about 30% of the victims were members of the primary group. Just about 21% of the domestic primary group were slain by women. Toro had the lowest criminal homicide rate of 25% of whom female contribution was about 8%. For the whole sample of 501 victims, 159 or about 32% were members of the primary group.

Table XIV. Victim-Offender Relationship: Primary Group (Consanguine and Conjugal)

Victim is:	Ankole	Kigezi	Toro	Extra Sample	Total
	145	101	101	154	501
Father	4 (11)*	7	1	4	10 (1)
Mother	3	3	—	2	8
Brother	10 (1)	1	9	5	25 (1)
Sister	—	—	—	1	1
Other siblings	—	4	—	—	4
Wife	10	6	13	14	43
Husband	5 (5)	4 (4)	2 (2)	6 (6)	17 (17)
Daughter	4 (2)	4	—	1	9 (2)
Son	6	9	1	7	23 (2)
Other descendants	1	12 (12)	—	—	12 (12)
Total and Percent of Victims	43 (9) 29.65%	50 (18) 49.50%	26 (2) 25.70%	40 (6) 25%	159 (35) 31.53%

Table XV. Secondary Group (Consanguine and Affine etc.)

Victim is:	Ankole	Kigezi	Toro	Extra Sample	Total
Lover	—	—	1	—	1
Grandfather	—	—	1	—	1
Grandmother	—	—	—	1	1
Father-in-law	2	—	—	1	3
Mother-in-law	—	2 (1)	—	1	3 (1)
Brother's wife	—	—	—	1	1
Son's wife	—	1	—	1	2
Ex-Mother-in-law	—	—	3	1	4
Paternal uncle	2	—	—	1	3
Step-mother	—	4	—	1	5
Step-daughter	1 (1)	—	—	—	1 (1)
Co-wife	—	1 (1)	—	—	1 (1)
Former Sister-in-law	—	1	—	—	1
Sister-in-law	2 (1)	—	—	2	8 (1)
Brother-in-law	1	—	4	1 (1)	6 (1)
TOTAL	18 (2)	9 (2)	9	11 (1)	37 (5)

Table XVI. Tertiary Group (Distant Consanguine affines and Non-Consanguine)

Victim is:	Ankole	Kigezi	Toro	Extra Sample	Total
Niece	—	1	—	—	1
Cousin	1	—	2	—	3
Nephew	1	3	—	—	4
Acquaintance	—	7	7	8	22
Neighbour	38 (6)	14 (2)	29 (2)	26	107 (10)
Friend	4	4	2	5	15
School mate	—	—	—	1	1
Employer	—	—	—	1	1
Employee	4 (1)	—	—	—	4 (1)
Fellow-prisoner	1	1 (1)	—	—	2 (1)
Fellow-soldier	1	—	—	—	1
Fellow-worker	—	—	4	—	4
Other relations	—	1 (1)	3	2	7 (1)
TOTAL	50 (7)	31 (4)	47 (2)	43 (0)	171 (13)

Table XVII. Summary of Relationships

	Ankole	Kigezi	Toro	Extra Sample	Total
(a) Primary group	43 (9)	50 (18)	26 (2)	40 (6)	159 (35)
(b) Secondary group	8 (2)	9 (2)	9 (0)	11 (1)	37 (5)
(c) Tertiary group	50 (7)	31 (4)	47 (2)	43 (0)	171 (13)
(d) No known relation	42 (3)	11 (3)	19 (1)	59 (3)	134 (10)
TOTAL	145 (11)	101 (27)	101 (5)	154 (10)	501 (63)

★ Numbers in brackets () refer to cases in which females were the offenders.

In Ankole, the wife and the brother are killed with the same frequency; the two contributed about 23% of the victims in the primary group. In Toro too, the wife is the most vulnerable person in the domestic circle; but we noted that the concept of 'wife' has to be qualified and defined precisely. Brothers contributed about 34% of the domestic group. In Kigezi the percentage of brothers who contributed to the

number of victims was only 2%. Toro had the lowest frequency of slaying father and son, no single case was reported of mother and sister as victim, or other siblings, daughter and other descendants. This means that in Toro, the criminal homicide offender either kills his wife, or brother; and only rarely, will a female offender kill her husband, or a male offender kill his father or son.

Of the 13 wives killed in the Toro sample, six were killed because of sexual infidelity, a very prevalent deviant behaviour in Toro; three were slain during domestic altercations; two were killed by their insane husbands; one was speared in a mistaken identity and one was killed by her husband-lover; she was a chronic alcoholic. But in most of these cases of wife-killing, an element of a sexual nature is present especially when the motive is listed as domestic altercation. Therefore, lack of sexual control and a general tendency towards a weakening of sexual discrimination, and high rate of sexual extravagance, infidelity and alcoholism contribute and in fact explain the high rate of wife-killing in Toro.

The nature and structure of the family also has its contribution to the situation. Toro family is neolocal in nature and structure; usually located quite at a distance from Ego's nuclear family. There is more isolation from parental guidance and advice during the early years following marriage and because, there is quite a large percentage of young men and women who are born and reared in matrilocal and matricentred family patterns who after marriage move to new residences, the relationship between members of the newly established neolocal family are characterised by frequent matrimonial disharmonies, conflicts, desertions, separation, divorces and general disputes which now and then erupt into criminal homicides. Second in the frequency of victims are the brothers with the exception of Kigezi. In most cases, violent combat ensues from domestic quarrels and drinking. There is, however, one case in which a man killed his brother because of a woman; even other cases which are given as due to domestic disputes have something to do with sex. Brothers also, apart from wives, are the people who are most likely to meet much more often than sisters, mothers or fathers. Brothers also quarrel about a number of things such as property, land, etc. It is unfortunate that it was not possible to analyse the type of this

brotherhood, because two men born of one woman each with his own father are called in Rutoro language *nyina emu* (literally, of one mother) whereas in English, such a pair is not of brothers but may be given some sort of categorical designation as half-brothers, or step-brothers; and because in court case files, all men born of one woman irrespective of paternity are called brothers, it has not been possible to list such relationships in a more specific way. Some of the cases of homicide involving brothers result from maternal preferential treatment of siblings as a result of paternal contribution to the upkeep of the matricentred family unit. In the Ankole sample where brothers and wives are killed with the same frequency, the reasons are a bit different. They are killed not unproportionately as mothers, fathers, husbands, sons and other members of the family circle. The Banyankore have a proverb which says that brothers get on well and love each other if they are all rich. Conflict between brothers in Ankole has its origin in disparity in distribution of property by the father. Enmity continues after the father's death; sometimes this leads to separation when one of the brothers decides to leave the locality.

In all the three groups of people under discussion, inheritance, in most cases is by the firstborn; but there is no hard and fast rule about it. A dying man may will his status and property to any one of his sons; and very often the youngest succeeds to the status of the father. In fact, it does seem to be a custom that when a man dies and leaves married and unmarried sons, the eldest who is married and already established with a *kibanja* (land holding) will succeed to the father's status and as head of the extended family, while his youngest unmarried brother will inherit most of the property. This is done for a number of reasons; one is that the unmarried, unestablished young man needs these things to settle like his elder brothers; and secondly because he is the one, nearly in all cases, to stay with the deceased's wife, their mother; who needs maintenance and care. Land is more or less divided between the sons; cattle, goats, sheep, money and other items are divided equally, but usually the unmarried may receive a little more. From such practices which do not follow well-laid down system of inheritance and succession, the disappointed brother nurses a grudge against his brother. The grudge becomes more tense if the brothers have different mothers.

Now that the success of a man in life is not due so much as to what estates he inherited; but to what education he received; conflict is commonest between an educated, employed, and therefore well-off man and his uneducated and therefore unemployed brothers. One of the most mitigating factors against violence resulting from such social interactions is that when and where land was available, the frustrated brothers usually migrated to a not too far away village which reduced constant face-to-face interaction.

The three cultural groups show no single case of sister-killing and the only case that appears in the whole sample was reported from Soroti, Teso. Culturally, sisters avoid antagonising their brothers, and domestic division of labour minimises brother-sister contacts. Also sisters are loved and respected especially in Ankole and Kigezi as they provide cattle for the brothers' bride wealth. When the sister is married, the brother gets goods from her bride wealth which he pays as bridewealth for his own wife. Therefore to kill a sister is a great loss on the part of the brother. In a patrilineal system like the one to which the three districts belong, the sister at marriage, moves permanently from her family of orientation in which the brother remains for the rest of his life to her family of procreation. Again, sisters are married away long before they reach the age of being victims or offenders. We have seen that victims, on the whole, tend to be older than their slayers, and that offenders tend to be young male adults between the ages of 24 and 29, this means that most young male adults tend to use violence long after their sisters have been married out of the family, because the average girl in these areas especially Kigezi and Ankole marries between the ages of 14 and 17 and only very rarely when she is over 20. It is only among those who have been to school and to training centres after schooling who marry late; but these are still in a minority. Therefore early marriage of girls, the expectation of bridewealth and late maturity in the use of violence on the part of the brothers explain the absence of sisters as victims from the data in criminal homicide among the Western Bantu. All three districts killed their wives (43), brothers (25), sons (23), husbands (17), and fathers (16).

One important and interesting observation is that of the 63 female offenders, 36 or 56% killed their relatives within the primary group

as explained in this study. This, according to the data means that the most likely victim of a female slayer is the husband if we exclude, the 21 Kigezi cases of infanticide. Again, Toro, unlike Ankole and Kigezi shows the lowest frequency of wives killing husbands whereas, in Ankole, men kill their wives twice as frequently as wives kill their husbands. This could be explained by the nature and structure of the marriage system and the degree of socio-psychological attachment of women to their honour and to that of their husbands and of the family. In a society where domestic and marital altercations, desertions, separation, divorce and infidelity do not bring shame and dishonour to the individual and to the family in particular, the wife is not inclined to assert her rights even to the use of violence against her husband because there are other socially approved ways of overcoming such situations. Divorce, separation and desertion as ways in which to solve marital disputes are not socially approved in Kigezi and to a lesser extent in Ankole. A divorced woman is an unhappy woman. In fact, a woman with children is most unlikely to divorce except in extreme disharmony. This is not the same as in Toro, many marriages are easily terminated in divorces, separation or desertion and there is very little social disapproval following such action. In Ankole and Kigezi, cultural values compel a woman to remain in her husband's house even when the latter marries another wife, and such prolonged stay in a disharmonious domestic and marital situations increases the chances of using violence against the husband when a situation arises that is defined as requiring the use of violence. For it does appear that homicide will tend to follow prolonged ill-feelings between family members while it tends to result from sudden anger with friends and other acquaintances. In the domestic group, criminal homicide is an outgrowth of long-standing disagreements, threats, fights, altercations and strain in the domestic day-to-day interactions.

Kigezi and Ankole again show cultural traits in which some were victims in Kigezi, two were babies killed the day following birth. One was a son of a Munyankore woman who had become pregnant while her husband was serving a jail sentence. The second was also a baby that was thrown into a pit latrine; the mother was an unmarried girl. In the Ankole sample, there is no single case in

which a woman killed her son. Men kill their sons in Ankole and Kigezi, in a number of culturally defined situations; one of these, and one of the most common, is dispute over sons' bridewealth. A man, in Ankole and Kigezi, is expected to raise bridewealth for his sons and also to provide them with pieces of land on which to start their homes soon after marriage. Disputes develop when the father either refuses to pay bridewealth for his son when the son becomes mature and wants to marry; or when the father marries a second or third wife before he arranges and settles the bridewealth of his mature son. On the whole patricide seems to be infrequent among the Bahima of Ankole; this may be due to the fact that the Bahima used to own large numbers of cattle and payment of bridewealth of about two to ten or even more cattle was never a problem; the son was expected to behave himself and herd his father's herds and bridewealth would be provided. But there has been a recent case in which a young Muhima was alleged to have burnt his father's house in which the father was killed so that he could inherit the herds of cattle from his deceased father; and he did. This is not so in Toro in that bridewealth is not high, Perlman reports payment to be as low as Shs. 30/- and I have known cases in which a single goat is paid in as the bridewealth; and a goat is on the average, about Shs. 50/- or less. In Toro the average amount in terms of money is about 200/- which a young man can easily save over a few months, and moreover, Toro marriage is on the average, contracted prior to the payment of bridewealth, and payment is then done by instalments even three or four or more years when the woman is living with her husband.⁴ This arrangement may, under certain conditions, be allowed in Ankole and Kigezi; but on the average bridewealth is paid prior to the marriage of the parties concerned. Failure to make proper arrangements and to pay bridewealth creates a situation in which a man and his son may engage in a prolonged and very often deep-seated dispute which now and then erupts into physical violence resulting in the death of either the son or the father. On the other hand, Toro culture vehemently condemns a situation in which a young man engages in arguments or quarrels with his father. The Batoro say that women and children may not answer back rudely

4 M. L. Perlman, *Some Aspects of Marriage Stability in Toro*, E.A.I.S.R.

to their husbands and fathers respectively; this is, to a lesser extent, the same in Ankole and Kigezi, but in Toro spatial separation of father and son due to marital arrangements minimises this risk. The only case of a man killing his father in Toro sample, unfortunately, does not reveal the facts that led to this homicide, in fact the son was found not guilty and was acquitted. The other case in which a man killed his son in Toro was that the offender was suffering from arteriosclerotic dementia and according to the M'Naghten Rules⁵ the offender was held as a criminal lunatic.

Of still greater interest is the offence of infanticide. The present study shows cultural differences when the offence of infanticide is examined. There were, in all, more than 13 infanticide cases, the listed cases under the head of 'other descendants' refer only to those cases of infanticide in which the sex of the infant was not indicated. Of the four cases of victims in Ankole which are listed under 'daughter', two were cases of infanticide. The mother, with the assistance of her own mother, abandoned newly born twin babies to die. The cause of this offence was an attempt to save the honour and reputation of the family rather than being a result of puerperal mental disturbances.⁶ No single case appears in Toro sample. Batooro express horror and shock to hear of a case in which a woman destroys or abandons her child. A few cases are reported to have happened but these are extremely rare. There is very little, if any, stigma relating to an unmarried girl becoming impregnated in Toro, in fact two informers have told me that it is taboo for a girl to be married before she has had a child. (*Kizira omuisiki kuswerwa atakazaireho muwana*). While discussing this point with other Batoro, they have admitted to me that while, the statement is not true, it nevertheless indicates the modern trend of the matter. A recent survey of marriage, indicates, as did Perlman's survey,⁷ that the majority of marriages are contracted long after the procreation of one, two or more children. There is, culturally, no strong morals against pre-marital pregnancies in Toro. In Ankole

5 Edwin H. Sutherland and Donald R. Cressey, *Criminology*, 8th edition, page 157.

6 Leonidio Ribeira, "The Crime of infanticide and Brazilian Penal Legislation," in *Revista Brasileira de Criminologia e direito penal*, 11 (8)—79–83, 1965. See also section 206 of Uganda Penal Code, *Uganda Laws*, Vol. IV, 1964, page 2096.

7 Perlman op. cit.

and Kigezi too, these cultural prohibitions are being eroded away as more and more unmarried girls become pregnant and get away with impunity. Traditionally, it was a very serious offence for a girl to become pregnant before marriage. The penalty for this offence was death. In Ankole there is a cliff from which such girls were pushed down to meet death for their misbehaviour. Sometimes abortion was induced with the help of their mothers or paternal aunts before rumour spread in the village. This was done not just because the pregnant girl brought shame and disgrace to the family, but also because such a girl was thought to be ritually harmful to society. It was believed that if she went to the well to fetch water, the well would dry up; and that if she passed through a garden, the crops would wither away. The situation in Toro is made worse by the late marriage of the males. Few Toro men get married in their teens or early twenties. This is not only characteristic of those who have been to school and have to get a job before they can think of getting married, but of young men of Toro in general. Traditionally, they were the Bahuma men who tended to marry late in life, while the Bairu married as early as it was possible to get married. But since the admixture of the groups of people in Toro, most Toro claim to be Huma⁸ and one of the traits of the Huma way of life or sub-culture is late marriage. The girls prefer and in fact expect to be married by men older than themselves as the following case shows. It is taken from an essay written by a girl eighteen years old about life after school:

I dug for 2 months and went to my stepfather's house in Kampala, I thought that he could look for a job for me, from his friends in Kampala, but his friends told me to work as a house-keeper, which I saw was not concerning my standard, except to go and be married, but in my plan, I was planning to work so that I could help my parents because we are very poor in my family. In 1968 in August I saw a man who wanted to marry me, he was about my age, I saw that, as long as that man was of my age, I would grow old and he would still be young, I refused, ... The next man was fitting but he was poor, I said no, from that time many men wanted to marry me but I haven't chosen one from them because I don't want them...

It is partly due to this delay in male marriage that there is a large number of children without known fathers, because, most of the unmarried adult men have unlimited sexual indulgence which most often result in girls' pre-marital pregnancies. One unmarried young man told me that he had about twenty five children.

SECONDARY GROUP

(Consanguine and Affine outside the Domestic circle):

From the figures shown in table 15 above, what I have called the secondary group of relationships, provides the smallest group of victims. This group has been called 'secondary' because, in most cases there is less direct fact-to-face interaction with relatives that are called secondary such as grandparents, in-laws and uncles. Also in adult life, one has relations with those he is not in daily or face-to-face contact with such as one's parents-in-law, step-mother or other close relatives either by consanguinity or by affinity. This, however, is not an adequate categorisation of human relationships, because there is no reason why one's friends may not be in more constant interaction than a man and his father. The categorisation merely refers to the proximity of biological and affinal relationships and to a lesser degree to social relationships. But limited in its scope as an adequate categorisation of human relationships as it is, it is interesting to note that all three groups and the extra sample data show that people who are in these relational groups are least likely to kill each other. This signifies the role of constant interaction in the genesis of violence among human beings. What is here called secondary group relationships shows very clearly cultural differences of the three main groups of these societies. None of the three Bantu groups killed grandmother. The only one case in which a grandmother was a victim occurred at Jinja in which a young woman killed her own grandmother with a panga by mistaking her for a thief. The court sentence of '*Till rise of court*' shows that there was no motive resulting from conflict or hatred between the victim and the slayer. There is very close and intimate relationship between grandparents and their grandchildren. In Ankole, Kigezi, and in Toro, the relationship between Ego and his grandparents is very often characterised by joking, in some cases this intergenerational joking

relationship is extended to other old people of Ego's grandparent's age. This joking relationship in which Ego becomes a husband (when Ego is male) of his grandmother and a wife (when Ego is female) of her grandfather; creates such an amicable relationship that it could be suggested that there is more love and closer emotional attachment, between grandparents and grandchildren than there is between parents and their children, and therefore it is exceedingly rare that violence disrupts this intergenerational relationship. In the present study, Toro provides the only case in which a man killed his own grandfather. The young man had this to say:

"I agree I am the one who killed Patirisi Kabaliraki, he said that I stole his goat, he cut me at the back with a panga, I also snatched the panga from him and cut him on the head and on the back. That is all".⁹

The offender was bound over for a period of one year to be of good behaviour. In such a case it may be that there was conflict between the deceased and the father or mother of the offender. When a man does not get on well with his own father, the latter may not like the children of the former; his grandchildren.

In most of Bantu societies, and this is true of Ankole and Kigezi, and to a much lesser extent in Toro, the brother's wife is a woman one loves most, even more than one's own wife. Among these groups, and especially the Hima groups, brother's wife is one's wife too. There is no situation in which one could engage in conflict with one's brother's wife, or one's wife's sister. This is *omuramu* who is loved and cared for. A man is required to treat his brother's wife, brother's wife's sisters, his own wife's sisters with special affection; and he too expects to be treated in the same manner. Usually when there are ill-feelings it is because of rebuff of the woman on sexual advances by her *Omuramu*. But since it is recognised that brothers can be divided because of women, the rebuffed man usually keeps his feelings to himself lest his brother knows about his attempts. Although sexual relationships are common, a man is supposed to keep his acts a secret from his brother or wife. In general people who are related in such a way keep on good terms and will not easily pick up quarrels; and when these develop, they are often settled within

9 Case file No. 430/65 Fort Portal, Toro.

the domestic circle. In the one case from the extra sample, a man killed his brother's wife with a spear after she had refused to have sexual intercourse with him. He became wild when the woman said to him "Go and have sexual intercourse with your mother." Cases of this type of provocation are common; and are results of cultural definition¹⁰ of situations as requiring the use of violence.

Toro again has more cases in which people kill their in-laws past or present; especially brothers-in-law. Most of the disputes of in-laws involve wife-husband in the first instance, either the wife attempts desertion, or deserts or divorces. In one case a man discharged his 'wife' and after some time he re-married her; this made the woman's brother angry, because the husband had paid no bridewealth. When the latter discharged her a second time, a quarrel ensued between the woman's brother and her irregular husband; it ended in the death of the latter. Mothers of wives who run away from their husbands are exposed to dangers because of their role in encouraging their daughters either to stay with their husbands or to desert them. Very often a man will think it is his wife's mother who is encouraging her to desert him and in this belief he will act with violence. In one case a man was accused of killing the mother of his wife. Their marriage was not a happy one and the accused's wife had left him on a number of occasions and was living apart from him at the time the deceased met her death. The deceased was on a highway and the offender (husband of her daughter) met her and asked her "Where is my wife"? The deceased answered him by saying that "I do not know where she is, I am also looking for her". The accused got furious and speared her at once and killed her. The two cases in Ankole sample of father-in-law victims arose out of dispute over bridewealth. There are plenty of disputes in Ankole and Kigezi over failure to pay bridewealth, such cases occasionally happen in Toro too. In a recent marriage registration in the District Commissioner's Office, Toro, after the affirmation of the contracting parties, the brother of the woman was required to sign his name in the marriage register, he refused saying that all the bridewealth had not been paid and that if he signed the remaining amount will never be paid. It was after some further explanation and persuasion and an assurance

10 Marshall B. Clinard, "*Sociology of Deviant Behaviour*," New York, 3rd edition.

from his sister's new husband in front of the officiating government official, that he would pay the rest of the goods that the man agreed to sign the marriage register. These were, however, Bakonzo; among whom the institution of bridewealth is very strongly entrenched in the social values of the group.

Of the three ethno-linguistic groups, Kigezi is the district in which we have two cases in which a mother-in-law was killed. In one of these cases, the dispute started in a garden where a man found the mother and sister of his deserting wife were digging. He asked the two women when they (the family of his deserting wife) would return the goods he had paid as bridewealth. From the dispute he snatched a hoe from one of them and killed both of them. In another case a woman killed her mother-in-law by mistaken identity. She had been fighting with her husband in a house at night. The mother of her husband appeared immediately. The daughter-in-law thought it was her husband who had come to beat her again. She picked up a stick and struck the mother-in-law on the head killing her. Women, especially in Ankole and Kigezi, tend not to get on well with their mothers-in-law. Usually their relationships are strained and are characterised by grudges, disputes, quarrels and mutual dislike. This is especially true when a man tends to listen to and believe all his mother says. A man who acts on his mother's advice in matters relating to his wife is generally regarded as a fool, *ekifeera*. The social psychologist may say that the old woman develops hatred against her daughter-in-law because of the Oedipus Complex in which she sexually admires her son with whom culture forbids sexual relationship. Traditionally if a man did not like his son's wife; she was usually divorced, but father-in-law—daughter-in-law disagreements were less common than those of mother-in-law—daughter-in-law.

Kigezi marriage is, ideally, polygynous;¹¹ one out of every three married men in Kigezi is a polygamist; there are also men with as many as nine or ten wives at once.¹² A polygamous marriage has its own problems and creates situations in which strain and dispute

11 May M. Edel, *The Chiga of Western Uganda*, Chapter 3, 1957.

12 Musa T. Mushanga, "Polygyny in Kigezi," *Uganda Journal*, Vol. 34, 1970.

can easily start. Disputes erupt between co-wives, between sons and their step-mothers, between wives as a group against the husband and so on. That is of all victims of the Kigezi sample at least five or about 5%, were slain in polygamous family patterns. Four young men killed their step-mothers, and one wife killed her co-wife. One surprising thing is that one would expect a higher rate of criminal homicide involving co-wives, but Kigezi sample does not support this assumption. In fact the single case of the victim who was slain by her co-wife is that of a Muhororo woman. The two women were at a drinking party and were apparently both under the influence of alcohol, the young woman kicked her co-wife and killed her by rupturing some internal organs. This is a situation which could have arisen between any other pair of women. This also suggests that the slaying could have been due to alcoholic intoxication. Therefore a polygamous marriage, at least of the Bakiga and Banyankore type is not characterised by conflict and disharmony which ends up in violence if we take criminal homicide as one of the most important index of conflict. Conflict in a polygamous family is minimised by the institutionalised husband-wife, wife-wife, child-stepmother roles and obligations; members of such a family are aware of the fragile social structure they are in, and avoid crossing boundaries of expectation. Each wife and her offsprings has her plots of land on which to grow food to feed her husband and her children and the children of her co-wife in case of the latter's death, divorce, or separation, or in situations when famine strikes. The husband's income is equitably distributed on a known and socially accepted principle, the seniorest wife gets more, as may the youngest, but a wife with many children will be provided accordingly. Area and situation that are prone to precipitate a domestic crisis are avoided as far as is practicable. As it was pointed out in the introduction, conflict will become serious if the husband does not exercise impartiality and equity. If favouritism and preferential treatment is noticed or even merely suspected, then the door is wide open for hatred, jealousy, quarrels, fights and so on. The Abakiga and Abanyankore recognise the need to treat the co-wives equally and attempts are made to keep this need in view or else the home is destroyed—*okushenya eka* as they say. It is for this reason that these people believe that to marry more than one wife one has to be tough, vigilant, watchful and a

man, and this is why polygyny confers higher status and prestige within the group. To minimise the rise of conflict most polygamists prefer to marry either sisters, or girls who are related in one way or another, usually from the same lineage or clan. This is because it is believed that sisters may hate and engage in conflict with each other but will not think of harming with poison or witchcraft as women who are not related may do.

TERTIARY GROUP

The tertiary group of relatives, for the purposes of this study, are those with whom one recognises definite or presumed biological relationship, and those with whom one is in more or less constant interaction as a friend or fellow-worker, an acquaintance and all those one can recognise by face even if he does not know their names. This category had the highest victims for Ankole and Toro; and also for the whole sample. Of all categories of what in this study is called tertiary, neighbours were the most frequently killed group, the second largest group is that of what are called acquaintances, then friends. The question of 'who is one's neighbour' is difficult to determine. Neighbourhood in sociology denotes more than spatial proximity. There is an element of *gemeinschaft*-like affective orientation that characterises members as neighbours. It is also important to note that most people tend to recruit their friends from their neighbours, in fact one is most likely to migrate if he is disliked by the majority of his neighbours. The problem is that in court and police files the question is hardly ever raised of what a neighbour is. In one case a person may describe another one as a neighbour *Mutaahi wangye*, when they actually live two or three miles apart. Again, what are described as neighbours may be related in ways difficult for foreign judges to put in English equivalents. Just as *ambiguous* as when a person says in court that 'we are of the same village'; or 'The deceased was my child' when in fact what is meant has nothing to do with father-child relationship. The speaker uses the concept 'child' in a reference category sense, but not in a biological sense. There are plenty of situations in which neighbours get involved. They help each other to build houses, to harvest, to hunt, to sink a well, to attend feasts, weddings, courts, and funerals.

They drink beer together, they nurse each other in sickness, they share meat, they give each other water, fire, and firewood; and in the day-to-day life in a village a neighbour may and usually is, more important (in being useful) than a blood relative. Failure on the part of one of the neighbours to fulfil his obligation or to play his role as a neighbour, engenders ill-feelings which may intensify with repetition in time. Cows, or goats destroying the food crops of a neighbour cause quarrels; a child beats a neighbour's child, and mothers start quarrelling. Recently my neighbour's dog destroyed my other neighbour's chickens and this nearly brought about quarrels between wives. It is in such constant interactions that neighbours get involved in conflicts; which sometimes end in homicides.

All the three societies killed neighbours, friends and I am sure acquaintances, but no entry is made for Ankole on acquaintances. This must have been due to linguistic problems. Where one person involved in a criminal case is referred to as a neighbour, another one may refer to the same person merely as an acquaintance. The four victims who were killed by their employers in the Ankole sample are those of two Nyarwanda porters who were killed by their Mukiga master; the third case is of a porter who was, it was alleged, killed by her female employer but because of insufficient evidence, the accused woman was acquitted as not guilty. The fourth was a case in which a Nyarwanda porter killed his Koki employer. The offender was an epileptic case.

The two cases of victims of fellow-prisoners, one in Ankole sample was of a Sukuma prisoner who killed his fellow prisoner, he was suffering from schizophrenia; the Kigezi case involved two lunatic women, one killed the other when they were locked up in one cell. Four cases of homicide involving men at work are recorded in Toro sample. One was a Gomborora chief who, it was alleged, struck his *askari*, local police, and the latter died later. The accused chief was a Mutoro, the *askari* was a Mukonjo. The accused was acquitted. Two other homicides followed prolonged drinking and merriment. The fourth is less clear. Two men killed their fellow worker but there were no records of what happened. The two offenders were found guilty, the mature one was sentenced to death,

the minor was detained till he became of age before he could be given his due punishment.

In the extra sample, two school boys, appeared before the court at Mbale after they had killed their school-mate in order to rob Shs. 1/50 from him. They were both juveniles and were bound over. This sort of behaviour does not appear in the three districts under study.

THE REST

The rest, as shown in table 17 above, 'no known relation' fall into two categories. The bulk of those are listed as unknown and strangers. The unknown does not refer to strangeness, it simply means that it was not possible to find out from the files whether there was any relationship between the victim and his slayer. In other words, there was no reference to the relationship that might have existed between the individuals involved in the homicide. The victims that were listed as strangers to their slayers were only two and these are recorded from Kigezi. One was a case in which a child of two and a half years old was hit by a stone thrown by a drunken Nyarwanda who was unknown to the mother of the deceased. The other case was of a Mukiga woman who beat a Nyarwanda man to death because he was trying to force her to have sexual intercourse with him. He was unknown to her, and she was acquitted.

The hypothesis that criminal homicide is essentially a violent interaction in which two or more individuals are related in one way or another, and in which total strangers are hardly ever involved save in cases of robbery with violence followed by homicide,¹³ is verified by the present analysis of criminal homicide data of these areas. Both spatial proximity and frequent and constant face-to-face interaction precipitate situations favourable for the commission of criminal homicide. This will be referred to in the next chapter dealing with motives of criminal homicide.

The fact just mentioned, that people, in general, do not kill strangers except in cases of robbery and other felonies in which material gain is the prime motive is of particular interest. It reveals

13 Marvin E. Wolfgang, *Patterns in Criminal Homicide*, page 203-205.

a strange contradiction. In these societies, people are afraid and are suspicious of strangers or of those with whom they are not related and more so of those they do not know. Thus, they fear those they do not know and think they are safe with those they know and much safer with those to whom they are related especially biologically; and yet it is through these interpersonal relationships that one is most likely to meet his slayer or to be an offender. In fact, in one case recorded from Mbarara, Ankole, the accused pleaded in the following few words:

“I did not intend to kill him, he was not a man of our area, I did not know him”.¹⁴

Professor Clinard's typology of criminal homicide, into those murders which are results of long period of hostility, those which result in sudden anger, and those in which subculture factors play important roles¹⁵ finds strong support from the data. The three typologies involve some degree of interpersonal relationship. Long standing hostility and grudge, sudden outburst of anger and criminal homicide-favouring situations arising or created by cultural norms, all involve individuals who are in (a much more) close relationship.

In conclusion, it could be stated that the closer and more intimate people are, the more they will interact in the course of their daily lives, and the more they are most likely to experience conflict and hostility which may or may not end in violent homicides. On the contrary, the less acquainted or not related; with the exception of situations in which the motive of homicide is material gain, or to cover a felony, the more unlikely that people will find themselves in situations that are likely to develop into violence and homicide. The Batooro have a proverb which I have seen displayed as a motto in a bar that *owolya nave nuve akwita*—it is the person with whom you eat food that kills you.

14 Original Case No. MMB 629/68, Mbarara, Ankole.

15 Marshall B. Clinard, *Sociology of Deviant Behaviour*, 3rd edition, page 259. Also see other typologies as listed by Marvin E. Wolfgang and Franco Ferracuti, *The Subculture of Violence* SSP edition, 1967, pages 186–198.

CHAPTER 6

MOTIVE IN CRIMINAL HOMICIDE

INTERPERSONAL RELATIONSHIPS

We noted, in the last chapter, that criminal homicide is, in general, a phenomenon that tends to result from interpersonal relationship in which the offender and his victim are known to each other. Interpersonal relations and interaction are a day-to-day human experience. People interact in very many ways, situations, places and for all sorts of reasons. In so doing disputes, disagreements, hatreds, jealousies and conflicts in general develop; but fortunately, most of these disputes do get resolved without violence. Conflict, as sociologists have shown, is an inherent characteristic of human living. Conflict is a more or less direct struggle between individuals or groups of persons for the same goals. Many sociologists have explained the social value of conflict; they have viewed conflict as a necessary, inevitable and creative fact of social life. Thus, conflict is always implicitly or explicitly present in nearly all interpersonal interaction, as when buying or selling, or when campaigning for a political position and so on. According to Karl Marx conflict has its roots in class struggle, and is exemplified by economic domination of the proletariat, by the bourgeoisie. George Simmel referred to conflict as a sort of human sociation; he wrote:

“If every interaction among men is a sociation, conflict—after all one of the most vivid interactions, which, furthermore, cannot possibly be carried on by one individual alone—must certainly be considered as sociation. And in fact, dissociating factors—hate, envy, need, desire—are the causes of conflict; it breaks out because of them. Conflict is thus designed to resolve divergent dualisms; it is a way of achieving some kind of unity, even if it be through the annihilation of one of the conflicting parties”.¹

Thus, homicide in some of these cases, is a means through which a goal can be achieved. And therefore, all criminal homicides, with the

1 George Simmel, “Conflict, *The Web of Group—Affiliations*” page 13.

exception of those that are committed by people who are suffering from some type of mental abnormality or disease, can be explained in terms of motives. A motive in sociology is an impulse to act or believe in a specific manner and is always goal-oriented. Motives in criminal homicide may be conscious or unconscious, but whether conscious or unconscious, the goal is specific. This is the meaning attached to the concept as it is used in these paragraphs. Disputes, envy, jealousy, need for ready cash all need solution before the individual can recover balance with himself. The solution may be one; that of destroying the enemy or rival. Conditions of human existence create situations that different cultures attempt to solve in different ways.

Professor Clinard has observed that:

“Nearly all criminal homicide, like assault, is an outgrowth of personal disputes and altercations, some immediate and some long-standing in nature.” And that:

“Relatively few of these offences are associated with the commission of the crimes such as robbery. The acceptance of the use of violence to settle disputes is related to general cultural patterns”.²

The present study verifies this observation as shown in the figures below which summarises the motives of these homicides:

Interpersonal	330	Victims
Impersonal	52	”
Mental disorders	43	”
Unknown	76	”
TOTAL	501	

This shows that, apart from the unknown and crimes of homicide perpetrated by people with mental aberration, the bulk of these homicide victims were killed in interpersonal relationships. Of the 501 victims of criminal homicide, 330 that is about 66% were slain in interpersonal relationships; such as in beer parties; in domestic interactions, marital and sexual altercations; in disputes involving land and other similar material things. Only 52 people were killed in situations in which the victim and his slayer were not related in

2 Marshal B. Clinard, *Sociology of Deviant Behaviour*, 3rd edition, page 259.

any way or just about 10%; 49 were victims in robbery and stealing which is just less than 10%. That is either the victim or the offender was a robber or thief or was the victim of a robbery and was killed by the robber. The other three cases involved victims who were slain by being mistaken for either an animal or a thief. Thus, when cases in which the offenders were people with mental disorders are excluded, the rest of the homicides may be categorised into those in which interpersonal disputes, conflicts, hatreds, hostility, jealousy etc. existed for varying periods of time; some short others long-lived; and those cases in which no interpersonal relationships are discernible. A man who kills his brother at a beer party and pleads guilty and gives alcohol as the cause of his misdeed may have nursed a grudge for some time or even for years; but he may also have had no such grudge but his response by use of violence to settle a minor dispute or disagreement may be abrupt and spontaneous. This comes as a result of anger which may be expressed in a number of different ways when the individual is under the influence of alcohol. In such cases social interaction is obvious; but not so in a case in which a man spears a thief who is breaking into his house; or in a case in which a man spears his wife when he mistakes her for an animal approaching his house. In these cases, the offenders have different reasons for acting the way they decide to act; and may react to these different situations depending on their cultural definitions of situations as requiring or not requiring the use of violence;³ as pointed out earlier.

Table 18 below shows the list and the number of victims of criminal homicide according to motive and by district.

There is a certain amount of difficulty to be met with when one attempts to list murders according to 'motives'. Because a motive is not material to criminal responsibility unless it is expressly declared to be so,⁴ and therefore many court files do not show enough effort to elucidate the motive in most homicides; and therefore, court case files are not the best sources in which to look for motives.

3 *Ibid.*

4 J. J. R. Collingwood, *Law in Africa*, 1967, page 30.

Table XVIII. Number of Victims by District According to Motive

Motive	Ankole	Kigezi	Toro	Extra Sample	Total
Beer Party Brawl	38	26	29	16	109
Domestic Altercations	30	12	9	14	65
Provocation	1	12	26	12	51
Stealing, Robbery etc.	11	4	4	30	49
Mental Disorders	11	11	5	16	43
Sexual	5	3	11	20	39
Infanticide	3	12	0	0	15
Dispute over Bridewealth	5	4	0	0	9
Dispute over Finances	3	0	1	4	8
Dispute over Land	2	4	0	1	7
Witchcraft	1	1	3	2	7
Flagrante Delicto	2	1	1	2	6
Simple Quarrel	0	0	0	6	6
Long-standing Grudge	2	1	1	1	5
Mistaken Identity	1	1	1	0	3
Arresting a Felony	0	0	0	2	2
Punishing (Correcting)	0	0	0	1	1
Motive unknown or not clear	30	8	10	28	76
TOTAL	145	100	101	147	501

Alcohol cannot be the motive, but when ingested, it has a deliberating effect on the Ego's capacity and ability to control his emotional states; it frees the mind from fear and also from cultural expectations and leaves the person free to deal with situations as they come. Therefore

most of these 109 cases listed under the heading of beer party brawl may have been due to other motives which are not revealed when offenders plead that they were drunk. More about drinking and the part alcohol plays in criminal homicide is given in the next chapter.

DOMESTIC ALTERCATIONS

It was noted in the last chapter that most of criminal homicides in this study, and as has been shown from other countries, involve people who are in constant and face-to-face interaction. Table 18 shows 65 people who were killed in domestic altercations, disputes, hatreds, and other types of conflicts. Some of these victims were slain by their slayers in the heat of passion which, in some cases arose as a sudden anger, and in some cases there were ill-feelings which had lasted for some time before the dispute or anger suddenly erupted into physical violence which ended in the dreadful deed of murder. It is in these sudden outbursts of emotion that alcohol plays a significant role in criminal homicide. Domestic altercations and disputes generally involve victims who are related in one way or other to their slayers. Even in the beer party brawl group, some of the victims are relatives or friends or neighbours of their slayers. Again, cases listed under domestic altercations may have involved the ingestion of alcohol either by the slayer, or by the victim, or both.

The following case shows the nature of domestic disputes and how they arise and get worse and worse till they are resolved by violence. This case also is a good example of those cases in which the dispute drags on for a very long time before it erupts in violent murder.

The homicide occurred on 6 February, 1970 at Mahamba, Hakibale, Burahya Toro. The deceased was buried the following day, the body was exhumed on 16 February, 1970. The deceased, a male from Ankole, aged 30, was living with a Batoro family in which he had acquired a wife, a daughter of the family head, with whom he had two children; a son aged three and a small daughter aged one and a half years old. He had not paid bridewealth, he was not married in the church, he was himself a pagan, his wife was a Roman Catholic, their marriage was not registered at the chief's office. The deceased had been in the family for five years. His father-and-mother-in-

law and his wife did not know which part of Ankole the deceased had come from. He was also in charge of his father-in-law's cattle. During the five years or so of stay in this family, he never went home even once. At the time of his death, he had almost been assimilated in the family of his father-in-law. He drank a lot.

The accused was brother-in-law of the deceased. Aged 35, pagan, Mutoro; divorced his wife who left two small children. At the time of committing the crime he was about to remarry. He had married without paying bridewealth and had not had his marriage registered at the chief's office. He lived with his father, mother, his sister, and her husband until a year or so before the commission of the crime when his paternal uncle (the brother of his father) died. The accused left his father's home to go and live with his late paternal uncle's wife, whom he had inherited. He was not, for sometime, on good terms with his father. His father had begun to show more favours for his son-in-law; he had in fact entrusted the care of his cattle to this man. The accused was annoyed and decided to go and inherit his uncle's widow, and they lived just across a swamp on the opposite ridge about a half of a mile away.

On the day of the homicide, the deceased had crossed the swamp to join his brother-in-law and the widow of his father-in-law's brother for drinking. They drank. After some time, the accused began to say that he had left his own father's home to live on his paternal uncle's land in peace and did not see why the deceased had come to bother him. The argument continued till it broke into a fight. The accused, with the help of his inherited wife, beat up the deceased. Deceased managed to struggle to get to the neighbouring house of a Mukiga man whom the deceased knew. When he got there his condition got worse, the friend informed the accused about the deceased's condition. The accused, together with the help of a few friends came and tied the deceased (still alive) on a pole of a tree and carried him at night across the swamp back to his father-in-law's house; where he arrived unconscious. He died at about 11.00 p.m. that night. He never said anything when he arrived back home. Next day he was buried. He was buried in an old pit latrine apparently with the minimum of delay, fuss and remorse. His body was left dressed in the same old shirt and an old pair of shorts in

which he was dressed before he met his death. He was wrapped in an old gunny sack and the legs where the sack did not reach, were covered with an old piece of thrown away cloth. The body was exhumed ten days later. Post mortem examination was done at the spot. The body was that of a fairly strong young man. He had sustained terrible contused abrasions and fracture of the lower jaw and a depressed fracture of the right temporal bone. The tongue and other labial structures were seen to be lacerated. After the autopsy, the body was lowered back into the latrine-grave.

The wife of the deceased, was, throughout the whole process of examination, autopsy and re-burial sitting nearby and showed not the least sign of remorse. She seemed to regard the police, the doctor and the researcher (author) as people who were trying to implicate and incriminate her brother. She sat and talked, though with limited ease but not in the mood in which one expects to find a woman who had lost her husband especially through homicide. She asked the author for a cigarette; at this the doctor who was present for the autopsy asked her if she was sorry to lose her husband. She replied with a disguised smile "Why not, did I dislike him?" There were about 12 to 16 other women, most of them were her age group (about 25) most looked more bereaved than herself.

The father of the accused, who was also the father-in-law of the deceased, an old man of over 60 years was lying nearby. He was in poor health. His wife was seriously ill in bed.

The old man excused himself from talking about what had happened by saying that he was too weak to speak. The wife of the deceased was most reluctant to say what happened. In fact she denied that her husband had any injury on his body at the time of his death. Effort was made to conceal the death of this man. New temples had been erected to ward off his spirit and government efforts to investigate the murder. Asked why the deceased had been buried in a latrine, the old man and his daughter denied that it was a latrine; but later changed their story and said that it was a pit originally dug for use as a latrine but had not in fact been used.

The motive in this homicide was that the deceased was favoured by his father-in-law and was to inherit cattle, land and property of

the old man. Apparently the beer had been brewed with an awareness that the deceased would come for a drink, and he did.

According to the Western Bantu culture, it is the duty of the son to take care of his aging father and mother and to look after their domestic property, livestock included. A son, before he can be entrusted with this duty, is expected to display a certain amount of loyalty to his father and also a sense of responsibility vis-à-vis his parents and other members of the household and even of the larger lineage group. A son who fails to exhibit these qualities, and worse still one who drinks and comes to shout and insult his father does not qualify as heir to his father's status and estates. But the same Bantu culture does not permit of a female inheriting her father's estates and name; for the simple reason that daughters, when mature, marry out and become members of another clan by procreation. In the above case, the old man, the father of the accused could be said to have precipitated the demise of his son-in-law, by preparing him as his choice for inheriting the cattle and land. He did this by entrusting his cattle to this man, an act which runs counter to the Bantu normative system. The accused viewed his sister's husband as an intruder. He had paid no bride-wealth, and therefore he was not, socially and according to tradition, married to his sister; and there was no reason why the deceased should come to inherit the status and goods of the father of the accused. Since he had had two children with the daughter of the father of the accused, there was little else the accused could do; the alternative was to kill him. This, according to F. Tennyson Jesse, was a murder for elimination.

It is usual for a childless man, *enchwekye*, to will his property to a man who married his daughter. This is usually done when the dying man has no brother or brother's son to whom he can will his property. In the above case, the father of the accused behaved as if he had no son of his own; which shows that he had in fact disinherited his own son. When a man disinherits his son, it is usual for him to make it known in a meeting of lineage members; but otherwise a will is customarily made at the time a person is about to die. Thus to keep sons responsible and obedient the will remains a secret; and this leads to competition between sons for favours. This is why conflict between brothers starts soon after their fathers death. In the above

case, the accused was poor, he expected to succeed his father and to inherit his cattle, land and property. He became angry because his father had intended to give all his cows and property not only to a man from another clan, but an outsider as well. This murder was for elimination of a rival in inheriting the aging man's property.

PROVOCATION

Provocation, as a motive in criminal homicide, is related to a number of other variables and in some cases is dependant on sociocultural values of the group concerned. It is in such cases that the foreign legal system collides head-on with sociocultural values of indigenous people. What may provoke a member of a particular cultural group is not necessary provocative in another social group. Provocation is difficult to translate into vernacular languages of the groups under study. Sometimes it may be an insult, sometimes it may be mere calling names, or, and this is more significant, the degrading and slighting references. The concept of masculinity as defined by different sociocultural groups is, sometimes, the root cause of some of these so-called provocation cases. The following case illustrates this concept.

The deceased said to the accused:

“Although you look at me, what can you do?

You talk like a woman.”

In this case the accused was provoked by likening him with a woman. In another case the deceased had “abused him (accused) and said that in his clan he was only a half-man and mad.”⁵ In another case the deceased was wife of the accused. One night the deceased complained that the accused was a poor lover, and compared unfavourably in performance with another person called Daudi. While so complaining she squeezed accused's testicles. The accused got hold of her and strangled her to death.⁶ In this case there are several issues involved. One is that the accused was provoked by his wife when she hold him that he was sexually inefficient and

5 Case No. 315/55, Fort Portal Toro.

6 Case No. 16/63, Fort Portal, Toro.

she indicated that Daudi was more competent. This meant that the deceased had had sexual intercourse with Daudi. At this juncture sexual infidelity could have been the motive. Secondly, she got hold of her husband's testicles and squeezed them; this also is a grave provocation. It is probable that the woman was under the influence of alcohol, for no sane and sober woman from these areas let alone a wife, would be in a position to charge her husband with sexual incompetence and to go to the extent of mentioning names of those who are more efficient and effective. Maybe both were under the influence of alcohol, making it a possibility that in fact the man may have been incompetent due to drink, and the woman may have been highly erotically excited and impatient to wait. In such situations, it becomes very difficult to single out which of the several issues led to the commission of the crime.

In another case, a man killed another one who had slapped him in front of his wife. The judge's comments in this case were as follows:

"One of the Assessors in a very careful opinion among other things informed me that according to Ankole custom being beaten in front of one's wife is a very serious matter and likely to cause loss of self-control."⁷

This, clearly, is a case which is a result of sociocultural values. A man, according to the Abanyankore culture, is strong, and able to defend his wife, family, and honour of his clan. Culturally, a man from such a cultural group will define the situation as necessitating the use of violence if he is made to be less a man. If he can be beaten like a child, he is not a man, and not a man to marry a wife and defend her. And in order to demonstrate his masculinity, he will use maximum force to demonstrate his manhood. It hurts to be 'deflated' in public and such measures as will counter such confrontations will be used to the full. Provocation therefore, as a motive in criminal homicide, may be by physically provoking a rival, or by symbolically uttering deflating and degrading phrases. There are born-and-society-made victims according to psychological, social and biological factors, as there are born-and-society-made offenders according to the same factors.

VICTIMOLOGY

Victimology as a psychological and sociological study of the active or passive participation of a victim in the generation or development of a criminal offence⁸ has shown that the victim may be solely guilty, more or less guilty, or equally guilty as the offender.⁹ Wolfgang has called these crimes, victim-precipitated because of the role a victim plays in his own demise.¹⁰ Wolfgang has noted that:

“In many crimes, especially in criminal homicide the victim is often a major contributor to the criminal act. Except cases in which the victim is an innocent bystander and is killed in lieu of an intended victim, or in cases in which a pure accident is involved, the victim may be one of the major precipitating causes of his own demise.”¹¹

Wolfgang also has outlined four factors as prerequisites in victim-induced criminal homicide. These are:¹²

1. That there must have been adequate provocation.
2. That the killing must have been in the heat of passion.
3. That the killing must have followed the provocation before there had been a reasonable opportunity for the passion to cool.
4. That a causal connection must exist between provocation, the heat of passion, and the homicide act.

A question may be raised to isolate the motive of homicide in such cases of victim-precipitation. Does the slayer slay for self-defence? Or for protection of his social image and honour, or does he simply kill because he sees no alternative in an intractable situation or because he is invited to kill? Cases such as are listed under provocation have a lot more to do with sociocultural values of the groups concerned.

8 Carlos F. Gonzalez, “Victimology,” *Police Science* 3 (10-19-23), 1965.

9 Solis Oscar Grespo’s, *The Psychology of the victims of passion of murder*, in *criminalis*, 1966 discusses B. Mendelssonhn’ Categories of victims who contribute to their own slaying. (summarised in *Criminal Abstract*).

10 Marvin E. Wolfgang, *Patterns in Criminal Homicide*, page 254.

11 Leon Radzinowicz and Marvin E. Wolfgang, *Crime and Justice*, Volume 1, “The Criminal in Society,” pages 280-281.

12 *Ibid.*

The following case illustrates the role a victim can play in bringing about his or her own death; and also the emotional reaction resulting from sociocultural norms of the group; the accused pleaded:

“I found Malitina having sexual intercourse with Kisoke in his house. I shouted ‘Kisoke’ twice. I said release her. Kisoke said very rude words to me. I said I would do something bad to you this day. I then set his house on fire. Malitina ran out and I caught her and said “You, too, will suffer today.” Kisoke had twice taken Malitina (wife of accused) away and seduced her. Malitina come back later that night and said I was too small for her, and I could eat her vagina. This annoyed me very much and I seized my panga and struck her. I only intended to punish her. I was very sorry for what I had done.”¹³

It is important to note that in the case just cited, the accused did not kill his wife because he found her in *flagrante delicto*; in fact when he set the house on fire, she came out and he got hold of her. This is the time he would have killed her because of her sexual infidelity. But it was hours later, at night, when she returned; and found her husband, maybe already retired to bed. When he asked her where she had been and why she had been having sexual intercourse with Kisoke, the wife, whom I think was under the influence of alcohol, retorted in the most offensive language she could command. The accused says he was very annoyed; not by the sexual act but by the offensive language and insulting words she uttered and which vexed him so exceedingly that he took his *panga* and killed her in the heat of passion although he said he only intended to ‘punish her’. From his plea, it is evident that he was prepared to ignore her sexual activities, but his anger was maximised by her insulting words and because he was a man; who is expected to command respect in the home, he culturally responded to her insults with violence.

Most criminal homicides take place after verbal interaction between victim and offender; it is in such communications that anger is heightened and passion aroused. Among the group under discussion, it is usual to hear a person saying to another one with whom he has been exchanging angry words: “Who are you after all; kill me if you want” and sometimes he gets killed. In a society

13 Case No. 321/55, Fort Portal, Toro.

such as Ankole or Kigezi where manhood is stressed, and where men try to demonstrate their masculinity; any slight provocation leads to bitter quarrels and in some cases to violence and homicide. Provocation is a common motive for criminal homicide in urban areas especially Kampala and Jinja where men from different cultural groups meet for work in industries. As mentioned elsewhere in the book, the Abakiga are well known and feared for their violence by most of other tribes in Uganda. Their mode of interaction especially while drinking includes the use of very offensive language, which when used among themselves causes little or no anger at all; but when the same language is used among members of other tribes, it provokes anger. The non-Mukiga threatens violence or gets hold of a spear or panga; the Mukiga seeing that the words he uttered in a joking manner have been seriously taken as insults, snatches the panga or stick and kills in a self-defence manner. For the Abakiga and Abanyankore abuses, insults, curses and all that are used, and the user expects to be insulted; but no offence is meant or taken because this is one form of joking relationships of these people but to the others these insults, curses and abuses are misunderstood and taken as an indication of a worsening situation. This is due to misinterpretation of intentions and expectations which is a result of cultural mix. Thorsten Sellin, the reputed American Sociologist—Criminologist, in his *Culture Conflict and Crime* observed that cultures come into conflict when the norms of one cultural or subcultural area come in contact with those of another.¹⁴

ROBBERY WITH AGGRAVATION

In a preliminary report on Property Crime in Kampala and Uganda, Professor Clinard and Dr. Abbott have written that:

“On the basis of official reported crime, the crime rate is increasing rapidly in Uganda, the rate of reported crime more than tripled in the twenty-year period from 1948 to 1968... Crimes of serious violence

14 Thorsten Sellin, *Culture Conflict and Crime*. See also “Culture Conflict, Differential Association, and Normative Conflict” by Donald R. Cressey in *Crime and Culture, Essays in Honour of Thorsten Sellin* edited by Marvin E. Wolfgang. John Wiley and Sons, Inc. 1968.

are experiencing the most rapid rates of increase in the country, in the form of armed robbery.”¹⁵

Armed robbery is a recent development in local criminality. It is locally known as *Kondo*, a Luganda word which now means robbery with violence. This type of crime accounted for 49 out of 501 victims or about 9%. The larger percentage of this figure came from the extra sample. *Kondo* as a kind of organised crime of violence is a characteristic of urban property crimes; which is less frequent in rural western Uganda. *Kondo* has many forms; it could be open purse-snatching with force; holdups of people deemed to be in possession of large sums of money; such as banks, company accountants, bars and restaurants, and breaking into occupied or non-occupied houses for stealing whatever there is. In such operations, people get injured or killed. The robbers threaten and use violence, very often kill their victims at the spot, or the robbers themselves get killed. It is a common practice in Uganda, and especially in towns, Kampala being the worst, when a thief is seen, to raise an alarm which is usually answered by many people. When the thief or robber is arrested, he is usually beaten to death by the crowd. Robbery with aggravation has become a social problem in this country. In 1968, the then Parliament passed a bill making death penalty mandatory in all cases of robbery with aggravation even when there is no loss of life. The rate, in spite of this law, continued to rise. The desire to get rich as quickly as possible with the minimum of bother and sacrifice of energy and time is, among other things, responsible for this rise. In 1941 the increase in property crime was already evident.¹⁶

Since the passage of the bill, robbers go out to rob expecting either to kill or to be killed. Violent robberies have become endemic in Buganda. Buganda is an area that is more developed economically, with more business and economic interaction than any other province of the country. Because of these industries, schools, firms and so on; many people, both skilled and unskilled; and job-seekers go to Kampala and rural Buganda to look for employment. Thus there are several thousand migrants swarming into Kampala in search

15 Marshal B. Clinard and Daniel J. Abbot, “*Property Crime in Kampala Uganda*”: Preliminary Report, November 1971.

16 Prison Report, Uganda Government, 1941.

of job opportunities some of whom succeed in turning into thieves, robbers and prostitutes when their efforts to acquire wealth through legitimate means are frustrated. The problem, as I see it, is a result of widespread discontent, and frustration, aspirations and expectations for the realisation of socially valued goals have become limitless in this country; everyone wants to drive a Mercedes, to own a T.V. to amass wealth; and yet society is unable to make plentiful what it values most. The result is *anomie* as defined by Robert Merton; as a situation in which an individual resorts to illegitimate means to acquire what is socially valued when legitimate channels are blocked. Illegitimate means are selected as alternatives in an economic system in which one percent of the society (which is made up of foreign Asians) controls and enjoys 80% of its economy. The African people in this country, have been left behind in commerce, industries and professional and skilled jobs. It is in this respect that crime against property may be viewed as an ethic of economic distribution of wealth. What is earned by individuals who get high positions not through merit, but nepotism and corruption has to be shared out through robbery. Education too has contributed to this frustration. The aim of education is generally viewed as to make it possible for the individual to get a good job. It turns out that the majority of the people who go through our educational system never realise this objective. They go back to the land where they cannot get as much money as their friends who get appointed to paid jobs; the result is frustration;¹⁷ and a frustrated man has no respect for law and order or reverence for life; hence the increasing rate of crimes against property with or without violence.

Robbery with aggravation is not restricted to Buganda alone. Several cases have happened in Toro, two hundred miles away from Kampala. A couple of months ago, a nurse working in a Mission hospital, just a mile away from the town, was strangled as she crossed from her quarters to go to night duty. The hospital was less than four hundred yards away. Her body was discovered the next morning, ten shillings were reported missing from her body.

17 Musa T. Mushanga, "Education and Frustration," *East African Journal*, Vol. VII, No. 2, February, 1970.

Organized crime is in the process of being formed. In the middle of February, 1970, I was driving at about 7 p.m. with one of my students, when we reached Burungu, a village some five miles out of Fort Portal, I saw a small group of about six people, all men. They appeared to be in a sort of meeting, I slowed down and spoke to them and asked what they were doing, they said they were doing nothing. I warned them that they were going to cause trouble. Next day I heard that a person had been killed in that direction. I went back to investigate. I found that a person had been killed while stealing. I inquired about his home, and I found out that he was one of the six I saw the previous evening. His home was about 100 yards from where they were standing, apparently they were planning their strategy, when I saw and talked to them. They broke into the house, the head of the family chased them and followed them raising an alarm, they were surrounded and one of them was fatally injured in the course of beating.

In a matter of months, cases of criminal homicides have been reported in and around Fort Portal, in several of them firearms have been used, three times in beer bars, one involved an Insurance Agent who was killed; in another case, a watchman was shot dead, in another case a bus conductor was attacked, and his company's cash taken. So violent crime is spreading to remote areas of Uganda; as is thief-beating. Thief-beating is so common that the easiest method of killing an enemy without being seriously involved is to run after him while raising an alarm for help to catch a thief he will be beaten to death and none will stop to ask what he stole and most likely, all those charged with the murder, will be acquitted.

MENTAL DISORDERS

Mental disorder is a very large blanket that covers many kinds of mental processes that may be defined as abnormal in different cultures. These range from feeble-mindedness¹⁸ in which crimes of violence such as homicide may occur unintentionally, to processes of old age; epilepsy, maniac psychosis, malignant anxiety, depressive

18 Marvin E. Wolfgang and Franco Ferracuti, *The Subculture of Violence*, SSP, Tavistock Publications 1967, p. 206. See also Herman Mannheim, *Comparative Criminology* Vol. 1, chapters 14 and 15.

psychosis, schizophrenia and others. Different societies define antisocial behaviour in quite different ways; and different doctors may make different diagnoses of the same signs and symptoms that may appear in one individual patient. Doctors may be biased if the punishment for murder is death; they may be inclined to declare that the offender was under mental stress so as to spare his life. Wolfgang after discussing the situation in U.S.A. concluded that "Therefore, the deduction can be made that white individuals who commit homicides are far more likely to be psychotic than their Negro counterparts."¹⁹ This may depend on who the psychiatrists making the diagnoses are; if they are white they may be inclined to find white offenders psychotic to absolve them from the charges of murder; and *vice versa*. This has been found to be the case with white judges who tend to find the blacks guilty of murder or rape and to sentence them to death or long terms of imprisonment. This may account for large numbers of mentally abnormal persons who appear in British criminal homicide statistics as compared to others. All this shows that mental abnormality, in some cases, is culturally defined. Exhibitionism is a deviant behaviour in America, but if done in Africa, the actor may be considered a lunatic of the first order.

There are, in this study, forty three cases of criminal homicide whose slayers were people with some type of mental disorders. These range from certified schizophrenics to those with mere diminished responsibility. In one sad case, a fisherman of Madi tribe, went to the Catholic Mission at Fort Portal with his hand-bag which was containing his dressing clothes and a new panga which he had bought that morning at the market. On arrival at the Mission, he found the deceased (an elderly European Brother) cleaning the compound of the Mission. He talked with the deceased for a short while and the deceased decided to leave when the talk developed into an argument about the Uganda Martyrs. The accused followed him and beheaded him; and severed off the head and started off to take it to the Police. He was arrested on his way to Police, where, when he arrived, refused to make a statement arguing that it was the Catholic Church to do the prosecution and not the Government.

19 Marvin E. Wolfgang, *Studies in Homicide*, Harper and Row, 1967, p. 119.

At last he agreed to give a statement through a Madi interpreter. His statement was as follows:

“I told him (Officer-in-charge Police at Fort Portal) that the images of the 24 children who were burnt are coming to my head as a dream, and that the foot prints of a man and that of a dog on the rock are not of Jesus but of our grandfather... I then went to the town and there I proceeded to the Mission. Then I went and stood at the place where the 24 children were burnt. In that I saw a Father (the Brother) and I told him that as Italians they burnt those children for no reason, because the way they were burnt has not meaning. The Father sent me away. He said I should go away with my foolish ideas. The Father then went to his work, I remained standing to the same place where I stood. I went to the Father at the time when images of the burnt children came to my mind. I then cut the Father with the panga on the head. I cut his head off which I was bringing to Police. I brought this head for the O.C. Police to see and confirm that I was annoyed when he sent me away.”²⁰

In the following case, the offender diagnosed his own mentality. This is what he had to say before the High Court sitting at Mbarara in 1962:

“That thing (killing) happened to me without my knowledge. When I drink my head gets disturbed at times—other times—I am normal man. I had no grudge with the deceased. He was my great friend. I have lost my great friend. What caused this trouble was beer. I had nothing against the deceased. That is all.”²¹

The accused was found guilty of murder by the two assessors. The judge too found him guilty of murder but with diminished responsibility under the M’Naghten Rules; under which insanity is defined as legally harmful behaviour perpetrated under circumstances in which the actor did not know the nature or quality of his act or did not know right from wrong.²²

Section 12 of the Uganda Penal Code, in regard to mental disorder reads:

20 Case No. MFP/220/70 CRB. 495, Toro Court.

21 High Court Session Case No. 147/63 in Mbarara Court.

22 Edwin H. Sutherland and Donald R. Cressey, *Criminology*, 8th edition, page 156–157.

“A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is through any disease affecting his mind incapable of understanding what he is doing, or of knowing that he ought not to do the act or make the omission; but a person may be criminally responsible for an act or omission, although his mind is affected by disease, if such disease does not in fact produce upon his mind one or other of the effects aforementioned in reference to that act or omission.”²³

In the whole study, including the extra sample there were 43 victims out of 501 where slayers were mentally disordered in one way or another. In the western Uganda sample Ankole and Kigezi had eleven such cases while Toro had only five. Mental ill-health may continue to increase as more people continue to be reared in situations and under unfavourable conditions where they experience strain, stress and frustration whose intensity may increase with urbanisation, slum conditions, poor education, alienation and all that has tended to go hand-in-hand with processes of modernization.

SEX AND CRIMINAL HOMICIDE

Of all situations, relations, and interactive processes that bring about conflict and hatred among human beings, sexual jealousy seems to stand out as one of the most leading factors. Sexual jealousy results from the human desire to dominate and monopolise and also to enjoy uninterrupted sexual relationship with one's sexual partner, usually of the opposite sex. Men, as well as women, share this desire or drive with some other animals. Jealousy, the attitude of envy towards a person who shows tendencies of affection toward one's lover, is a fence that surrounds sexual partners. Any attempt to make an opening in the fence calls for immediate and spontaneous reaction which is directed toward the intruder. The reaction, which is, in most individuals, especially those who are less sophisticated, takes the form of aggression, may be directed toward either the individual who is making the affectionate gestures or the one to whom such gestures are made. Thus, in what Americans call the love triangle, one of the three who make up the triangle may direct his aggression either to one or both. Love triangles have been responsible for nearly

23 *Laws of Uganda*, 1964, Vol. IV, Section 12, Cap. 106.

all cases of divorce, nearly all separations, most of husband-wife altercations and fights and for general instability and unhappiness in some of the families. Some of these situations, unhappily, lead to violent encounters and end up in aggravated assaults and often in homicides.

Traditionally, there were less disputes, quarrels and violence resulting from these triangles because of social structure. A man lived among relatives, friends and clan members. Movements were restricted. Polygamy (Polygyny) was allowed and in some cases encouraged. A man had implicit sexual rights in his sisters-in-law so had a woman in relation to his brothers-in-law. Although such relations were known to take place within an extended family, they were never allowed to arouse anger and aggression. In traditional society, life was not organised around sexuality as it tends to be in the so-called developed societies. The meaning of life and its essence was expressed in terms of group affiliation and solidarity, the opposite of which is hedonism and possessiveness in which sexuality plays a major part.

In Ankole and Kigezi, a man who was found in *flagrante delicto*; was proved to have had sexual relations with a neighbour's wife was made to pay a fine and to bring beer to the elders. His woman partner was sent away to her lineage and was allowed back when her brother or father paid another fine—*empongano*, to her husband. But now that the traditional African Social Structure is breaking down, when such cases happen they are either taken to court, or to an informal court or they create situations in which anger and hatred lead to violence and death. Today, relatively few cases of adultery come to courts; partly because people do not want to hear their names in public so there is effort to settle the matter outside the court. Usually this takes place at the spot. The man is made to pay or promise to pay a certain amount of money after signing papers that he owed money to the other man, the husband of the adulterous woman. Failure to settle this debt leads to intense conflict which may end up in the killing of one of the two. The woman may or may not be divorced, depending on whether she is willing to amend her ways or not; but whatever solution is reached, the marital relations become and continue to be strained and disagreements,

quarrels and instability become main characteristics of the family. *In flagrante delicto* cases, either the man or the woman gets killed. In the present analysis, there is no single case in which both, the man and the woman are killed, but such cases are not uncommon especially among the Baganda.

Sexual jealousies and disputes are not restricted to married people only. Very often a married man gets involved with an unmarried girl or woman, and *vice versa*. Unmarried men may also conflict over married or unmarried women and, *vice versa*. Unmarried women are the commonest source of conflict and killings, the women that are locally known as *bamaraaya*, prostitutes. These women precipitate favourable conditions for the commission of homicide; as the following case indicates:

“Deceased was a girl friend of the accused. The accused having been drinking went to deceased’s house. Found deceased and another boy friend and all three drank again. Deceased told the accused to leave as she no longer wanted him. An argument broke out. Deceased got a panga and threatened the accused. The accused seized the panga and struck deceased several times killing deceased.”²⁴

This case may be listed under a heading of ‘Multimotive’ it could have resulted from continued drinking, and it is also one of those criminal homicide cases in which the victim actively participates and contributes to his or her own demise; and it is also sexual. Maybe if the woman had not brought the panga into sight, he might not have killed her, because, as several studies have pointed out, mere appearance of a killing weapon is enough for an individual to resolve and save his own life by taking the weapon from his opponent and using it on him; as in the following case, the accused pleaded:

“It is true I killed my wife; (they had been living together for about five months) as recorded in the statement read before the court. I did not intend to kill her. I wanted to have sexual intercourse with her, and she refused. We had a fight. I had taken beer. When she refused to have intercourse with me I was angry. She got hold of a sharp weapon and tried to strike me with it; but I managed to snatch it from her. I struck her on the head twice. She went outside and fell down on the ground.

24 Case No. 557/64 in Toro court, For Portal.

I went outside and saw that she was dying. I was frightened because I was still under the influence of drink. I did not intend to kill her.”²⁵

The deceased in the above case, was a woman aged about forty. She was fond of drinking and had been living with the accused for about five months. There are women who, in a period of twenty years, may have married about twenty or more men; a year is spent with one man; four months with another man, three weeks with another and so on. There are also women who produce children with different men; she may have five children but each child has a different father, and in some cases the *partner* may not be identified.

The following is an account of another case in which the motive behind the homicide was a woman:

Raurenti Magambo, a Nyarwanda male aged about 32 had been living in Mwenge county of Toro for well over six years. He originally emmigrated from Ruhengeri in Rwanda and came in search of an employment. He got a job as a headman on a private tea estate. On Sunday, February 12 1970, he was drinking in a group of fellow men, some of whom were his own workmates. He had received 20/- from his employer who is Assistant Postmaster at Fort Portal Post Office. Later on, as the drinking continued, the group was joined by a Toro woman whom one at the scene of the crime described as a ‘Malaya’ (prostitute). Apparently, several men took interest in this woman; but later on, the deceased, as the leader of the drinking party and as a man who had ready cash decided to go away with this woman. When the deceased was preparing to go away, some men left the party and went and way laid the homeward-bound couple. The deceased was brutally attacked and beaten up, the woman ran back to the small bar to seek help. Time 9 p.m. The deceased ran to the nearby houses for help but nobody opened the door for him. His assailants ran after him and continued to beat him. When he was too weak to run, his assailants ran away and left their victim in the bush. He was not discovered till the next morning. He was at the scene of the crime when the chiefs arrived and erected a shade over him as the sun was very hot. I got information of a homicide at about noon and went to the scene, some twenty five

25 Case No. 403/67 in Jinja court.

miles away to find that the unfortunate man was still alive. This was about 2 p.m., seventeen hours after the deceased had been assaulted. I rushed him to hospital 25 miles away. The deceased was not seen by a doctor till 4 p.m., that is for about nineteen hours after assault, the deceased was exposed to the cold of the night and the heat of the sun. He stayed in hospital and died on 10th March, 1970, twenty two days after assault.

Very often the couple who are engaged in sexual intercourse are found still so engaged. This is a situation which arouses sudden outburst of anger. The Abanyankore say that it is a curse for a man to find his wife in *flagrante delicto*. In such cases, the offended man becomes exceedingly angered; and emotionally excited, and when he acts, he does so under the heat of passion. As mentioned earlier, the woman or the man gets killed, but sometimes the man or woman who finds the pair so engaged may be the one to be killed. But on the whole the chances are greater for a woman to be killed if her husband finds her lying with another man. The following case is an example:

“I was coming from drinking at Rwagara’s home, it was at about 1.00 p.m., I came together with Banjikira, Kuribuza, and Mugara, when we reached the Kikunyu tree, I told Banjikira that I was going to Sentabire’s with Mugara, then Mugara asked me to have sexual intercourse with him, I allowed him we went into the bush and had sexual intercourse. He had sexual intercourse with me for one round, then my husband came and found us standing, he walked for a short time 3 paces, he then came back and stabbed me with a spear in my ribs and pulled it out and when he came back he found me lying down, he touched me to see if I had died, a man called Katondwe then came. That is my statement.”²⁶

She died soon after making the statement.

Suspicion rather than direct witnessing of spouse’s or lover’s sexual infidelity is one of the commonest causes of domestic and marital conflicts that very often end in homicide of either of the disputing party. There is one case from Teso in the extra sample in which the woman caught in *flagrante delicto* was not a wife but a sister of the accused. The deceased had twice been sent away by her

26 Court Case No. 270/59 in Kigezi court.

husband because of her extra-marital sexual relations. This time she was staying with her brother. When the brother was away, the sister sexually entertained a male visitor on her brother's bed. They were still on the bed, when the brother suddenly entered the bedroom. The man became hot with anger, and it appears he seized whatever was available and killed his sister at the spot. The court found him guilty of manslaughter and sentenced him to three years' imprisonment. This case is to be explained in terms of subcultural expectations. A man expects his sister to show good behaviour especially in this case when the woman had been dismissed by her husband on allegations of sexual matters. While staying with her brother, she is expected to behave herself so as to earn support from her kin group versus her husband.

The rest of the cases listed are not important in that they show no similarities or patterns. One case taken from the extra sample is unique. It is of a man in Teso who beat his 12-year-old son to death for stealing twenty shillings. This is one of those cases in which the intention is not to kill but to punish or to correct a delinquent.

INFANTICIDE

The crime of infanticide is quite common in Kigezi, happens occasionally in Ankole, and is almost unheard of in Toro. The Abatoro express horror and disgust to hear of a mother destroying her own baby. There are twelve infanticide cases in the Kigezi sample, three in Ankole sample and none from Toro. In Kigezi and to a lesser extent in Ankole, girls are loved and cared for even more than the boys because they will grow to go out to be married, and will bring cattle as bridewealth with which the male members of the family will pay for their own marriages. A girl, therefore symbolises hope and wealth. If she is married, her parents, brothers and other relatives are happy. If she makes a bad wife and is discharged or divorced, she brings shame on her family. On the other hand if she conceives and becomes pregnant before she is married, she brings shame, and dishonour to her kin group; because by becoming pregnant she will, most likely, not be married; at least in the way her parents and other relatives would have wanted. And what is certain, she will not fetch in the same amount of bridewealth as she would had she not

conceived. Girls are fully aware of this expectation, and most try to see that they do not disappoint their parents. Traditionally a girl who conceived before she was married was punished by death. Roscoe reports that:

“It was a very serious matter for a girl to bear a child before marriage and it seldom happened, for several reasons. Marriages were generally very early and as a rule the girl was married before sexual desires had developed any strength. Then, too, a girl was carefully guarded and seldom left home, so that it was not easy for a man to approach her. The penalty inflicted for such offences, moreover, was so severe as to deter both men and women from their commission.”²⁷

Roscoe goes on to tell of what used to happen; that a girl who went wrong was taken to Kagera river, a stone was tied to her neck with a bundle of herbs and she was cast into the river and drowned. This type of ‘institutionalised’ homicide was discarded with the establishment of British Rule in this country. A girl who grows up and avoids premarital conception; brings a lot more cattle or money and is married with great pomp in church and there is feasting at home for days on end followed by weeks of talk about the success of the wedding. The very opposite of this situation where, instead of rejoicing there is cursing, and bitter disappointment and gossip. Girls who get impregnated before marriage find it very difficult to face their relatives and do all they can to conceal the birth of their unwanted babies; this is to save not only the name of the mother of the infant but also the family’s and its reputation and the lineage as a whole. It is not a slight deviance to be pregnant before marriage in these societies especially in rural areas. One case on record from Ankole sample mentioned previously, will illustrate the situation.

A girl was betrothed for marriage; cattle had been paid in and all marriage formalities were completed. A few weeks before the wedding day she was admitted at a Mission hospital and was delivered of twin babies prematurely. She was accompanied by her own mother when she went to hospital. She refused to breast-feed her premature babies; she became very indifferent and refused to co-operate with nurses in looking after her twin-babies; as did her own

27 John Roscoe, *The Banyankole*, 1923, page 120.

mother who was alleged to have urged her daughter to leave the babies alone under the care of the nurses. The hospital staff managed to keep the babies alive for a week or so. The old man (father of the mother and husband of the old woman) at home never knew what had happened; he sent a messenger to come to the hospital and find out what was happening. The messenger was told that the young woman was not yet well enough to return home. On hearing this news, the father sent in more money to his wife to help in caring for their daughter. Finally, the two women fearing that their story may be known in the village asked for permission to take the two babies home. This permission was not given; in fact they were warned that the babies would die if they were removed from the hospital before they were strong enough. In spite of this warning the two women decided to escape with their babies. When they were on the way home, they conspired and abandoned the two unfortunate babies on the way. They wrapped them in clothes and banana leaves and covered them with grass, and off they went. They arrived home and told of the long illness of the young woman and how she was slowly improving. Nobody at home knew of the delivery of twins. A day later, men working on the road heard a cry of a baby, they searched around the place and discovered two babies, one dead one alive. The alive baby was rushed to the Mission hospital where everybody knew it as one of the twins. A report was made to the chiefs who went and arrested the mother and the grandmother of the twins. The second baby died a few hours after admission to hospital. The High Court sentenced the two women to death.²⁸

This, clearly, is a case of sociocultural determinism. The mother aided her daughter to conceal the birth of illegitimate babies. The desire to save the name and honour of the family was the motive behind their illegal behaviour. This would not happen in Toro. Girls get pregnant and get away with impunity; no shame or ridicule comes to the family as a result of such a pregnancy. There are certainly some families which condemn such pregnancies in Toro but the degree of emotional orientation is not so high as it is in Kigezi, and to a lesser extent in Ankole; and hence no reported cases of infanticide in Toro. There are no figures available, but it could be

28 Court Case No. 130/59, Mbarara, Ankole.

that there are as many, if not more, children born out of wedlock as there are born in legally sanctioned marriages in Toro; and these are socially accepted as properly born in their mothers' families.

Marriage as a social institution is breaking down fast in Toro and is being replaced by a system whereby women produce children without being married away. This is giving rise to matricentred families in which children of different paternity are brought up and reared by their mothers.

BRIDEWEALTH

The explanation for no infanticide cases in Toro also explains absence of victims of disputes over bridewealth. Ankole shows five and Kigezi four such cases. Bridewealth in Kigezi and Ankole, and to a much lesser extent in Toro is the most legitimising element in marriage. In Kigezi and Ankole the amount to be paid as bridewealth varies from locality to locality and from one ethnic group to another and also on the economic and social status of the families concerned. The Bahima of Ankole and the Bahororo of Kigezi, in general, pay relatively more cattle than their counterparts in these areas, clearly because they are cattle-keepers and have more cattle. Bridewealth as an institution is very important in Nkore and Kiga marriage. The payment determines the status of the woman in the family and in the village, it also determines the status of the children of the marriage. It also serves as a bond guaranteeing the fulfilment and observance of marital obligations by both parties.²⁹ The more trust a family has in its daughter, the more the bridewealth is likely to be demanded; and now, the more education a girl has had, the more her father and brothers are likely to ask for. In Toro this is not the case. Bridewealth is extremely low, and in most cases, nil. In most cases bridewealth is paid after conjugal relationships have been established; and even after the birth of the first or second child.³⁰ The majority of cases payment is in money, about 200/- (£10) and can be as low as 30/- (£1.10s). In Ankole and Kigezi, a man is expected to arrange and pay for his sons' marriage. This tends to create a situation in which

29 Edel, op. cit., page 50.

30 Perlman op. cit.

disputes are likely to erupt between a man and his son or a man and his brother which sometimes end in homicide. This tends to happen in families where the sons are not gainfully employed; where they have no other means of earning an income apart from what they can get from their fathers or elder brothers. Disputes start when the father or elder brother, instead of arranging to pay for his son or younger brother's marriage, he uses the cattle or any other property to pay for his own subsequent marriage; or he sells the cattle and puts the money to his own use. The following case relates to dispute arising out of culturally institutionalised pattern of payment of bridewealth. The accused was son of deceased and this is how he pleaded in court:

"I admit that I killed Baturumaho Kishebere, I cut him with a panga because he refused to give me things when I wanted to marry. I cut him several wounds. That is all."³¹

In Toro, because the bridewealth is very low, even the unemployed young man can, over a few months or years, raise the required sum. He may also take a girl as a wife till such a time that he is in a position to raise the required sum of a few hundred shillings and a few beers. This, as already shown, explains why there is no parricide in Toro. The situation is, however, changing both in Ankole and Kigezi; in that there are young men who are acquiring women without prior payment of bridewealth, but when time comes for them to pay, the payment is not so low as to make the whole institution meaningless. This is especially so in that there are over five thousand men from Ankole and Kigezi working in Toro at Kilembe Mines and further north in the Tea Estates who get involved with Toro women and some of them take these women with them when they return home.

The dispute over finance is not to be related to robbery or stealing. These are cases in which one of the two or more people involved in the homicide situation quarrelled about money mostly as debt; and very often in a beer party. On the whole these are not very common cases. Two of the three cases in Ankole sample involved two Nyarwanda porters who were killed by their Mukiga

31 Court Case No. 176/65, Kabale, Kigezi.

employer with the aim of saving their wages. He was found guilty and sentenced to death.

DISPUTE OVER LAND AND PROPERTY

Dispute over land was assumed to be a major issue in homicide especially in Kigezi; and it is Kigezi which shows a larger number of victims of this nature. It is surprising that the number is not much greater because of scarcity of land in Kigezi. In some parts of Kigezi there are as many as 1,000 persons per square mile, the average for Kigezi is about 350 persons per square mile. But, again, some of the cases in which land was the main motive for homicide might have been included in those listed under beer party brawls; or under domestic disputes. Land tenure in Kigezi follows the domestic property ownership pattern; everybody knows what is his or what is due to him. The family head owns the land; he partitions it between his wives according to their seniority and the number of children each wife has. Rules of inheritance of land and other things are known and adhered to the letter; and therefore land and its scarcity is not an issue that may easily generate conflict. Because it is so precious, effort is made to see that it is fairly and equitably distributed and inherited. Of the four victims in Kigezi sample in which land was the base of the dispute, two young men killed their mothers. In one of these the old woman was cultivating one of her plots which the young man claimed. The dispute would not have arisen had the mother not been living with one of her sons other than the one who killed her. The other two cases involved Nyarwanda who were, apparently, immigrants from Rwanda and were in a worse situation because scarcity of land is the major motive for emigration from Rwanda; and both victims were brothers of their slayers. So, strange as it may seem, land is not a criminogenic element in Kigezi criminal homicides. In the Ankole sample two men killed their victims for land; and the real nature of the dispute is not quite clear.

In sharing out and dividing property a modified form of primogeniture is practiced, but the head of the household is often very careful to see that no quarrels arise as a result of his ways of dividing property. Equal division of land and property is the norm, and any departure from this may create hostility between family

members. The following case is a good example of how sons may easily be involved in violent disputes with their fathers.

The accused, who was the son of the deceased pleaded in the following words:

“... By this time we were all somewhat under the influence of drink, but I deny that any of us were actually drunk. I agree that us men had been drinking for sixteen hours, but everyone could walk and talk properly. No one had yet fallen down unconscious and so I cannot describe any of us as really drunk.”

The court noted that:

“When a man in Kigezi has been drinking, he stands and shouts out a long catalogue of praises and compliments himself on the number of his cattle, and their names. He also praised himself for his generosity in giving gifts and cattle to his friends. (The accused) shouted to his father “You are giving away too much property and most of it belongs to my mother.” (The father had more than one wife). The deceased replied, “Anything I give away is my property and not your mother’s.” The two of them began to have a violent argument, during which the accused shouted “I am going to do something to you.” Then the accused ran into the next room and came back holding a panga. Without saying a word, the accused slashed his father two or three times on the head with the panga. The father shouted “Have you killed me Kaliho?” Before anyone could seize him, the accused then ran out of the house into the compound, taking the panga with him. He slammed the door from outside and shouted “I am going to get some matches and then I will burn the lot of you in the house.”³²

What the court called the shouting of a long catalogue of praises and so on is what the Abanyankore and Abakiga call *okwevuga*, recitation of poems, or *okwesimirana*, self-praise, both of which are quite common. It is very common to hear a man say, ‘I have a son who is a teacher’, or ‘I have three sons and you have none’, or ‘I have so many herds of cattle’. Such praises very often arouse envy and anger and now and then end up in fights. It must be remembered that the conditions of having no children is regarded as terribly bad while having no sons is viewed as dreadful, and therefore to tell a man

32 Court Case No. 50/62, Kabale, Kigezi.

that he has no sons or children is exceedingly irritating; it is more irritating especially for a man who has cattle, land, and property but has no sons, *enchwekye*, whom we say, 'eats what he will leave to nothing', *naarya eby'okutsigira muranga*. Such a man is a very sad man at heart and is easily angered.

WITCHCRAFT AND MAGIC

Witchcraft is sociologically defined as the practice of black magic or sorcery. This definition does not and cannot be the translation of our word, *okuroga*. The Orunyankore concept of *okuroga* is translated, in Runyankore-Rukiga dictionary as to 'bewitch'. *Okuroga* is to apply, utilize, or engage certain unknown power, spirit or medicine to cause misfortune, trouble or even death to another person. There is nothing to suggest 'Black' about it. Witchcraft was one of the many ways the system of Social Control worked; fear of witchcraft contributed to observance of social imperatives and avoidance of mischief and wronging other people. But suspicion of witchcraft leads to conflict and hatred.

Witchcraft as a motive of criminal homicide is not as frequent as would be expected in semi-literate subcultures and only five cases are listed in this study. One each in Ankole and Kigezi; but three in Toro sample. This low number of victims of witchcraft may be indicative of the extent of decline in the belief in witchcraft in the society although nearly a half of the population are still believers or followers of traditional belief systems in which witchcraft plays an important role. One would be inclined to assume that perhaps people have given up witchcraft and have turned to other practices such as poisoning, but this too is not the case; for in the whole sample there are few cases of poisoning. Night-dancing, *Okukyekyera*, is practiced widely in these sub-cultures but when a night-dancer is arrested, he or she is thoroughly beaten not killed as a result of her nocturnal behaviour. In Bugerere, I was told, by the chiefs that night-dancers are beaten and chased out of the village. My informers were quick to point out that a village in which lives a night-dancer always has abundance of food. This means that the anti-social activities of a night-dancer has its own social value that is why a night-dancer is beaten rather than killed as a thief is likely to be killed when he

is arrested. But also, in Bugerere, I was told that several criminal homicide victims have been known in which the victims are discovered with their right hand thumbs cut off and small pieces of flesh cut out of the sole of the feet. In this type of homicide the slayer is after acquiring certain portions of the human body for medicinal purposes.³³ A few cases have also been known in Ghana.” In this case a senior chief died; junior chiefs had to provide in Toro in which female victims have had their vaginas excised for medicinal purposes; and also as a post mortem punishment for infidelity on the part of the victim. There are also cases in which male victims have been found with their penises and testicles cut out and inserted into the mouths as punishment to the victims and a warning to those who are after the wives of others. The most likely men to kill as a result of their belief in witchcraft are those who are sexually impotent; for it is widely held that impotence is due to witchcraft and sorcery and is hardly ever regarded as a result of malfunction of the body processes. Sometimes doctors and diviners prescribe certain human organs for the restoration of sexual potency. Then the patient begins to hunt for victims to obtain the organs. These are ritual murders, common in some parts of Africa.

33 See *Drum Magazine* October, 1972. “The Wuhor Ritual Murder in certain human organs that were necessary for the smooth enstoolment of the new senior chief. Consequently a young man was killed in order to obtain his heart for the ritual.

CHAPTER 7

ALCOHOL AND CRIMINAL HOMICIDE

ALCOHOL AND VIOLENCE

Professor Wolfgang in his Philadelphia study regrets that:

“... the presence and especially the degree of presence of alcohol is not more often confirmed by the police or some other agency by means of actual tests for alcohol.”¹

My regret is that no effort is made, whatsoever, to determine the presence or absence of alcohol in a criminal homicide case. This is rather unfortunate because the use of alcohol in this country is rooted in the social value systems of the African people. Police and court officials record the presence of alcohol when this becomes the base of the dispute, otherwise there is hardly any necessity to find out whether or not alcohol was present in a criminal homicide situation. And since mere recording is lacking, the question of the degree of the presence of alcohol does not arise.

There are explanations for this state of affairs. First, all of the criminal homicides that are being discussed, in fact all of them, took place in rural areas. This means that they occurred far away from medical or police centres where serological tests could be done. Secondly, time greatly matters if the degree of the presence of alcohol in the offender and even in the victim is to be determined precisely, distance from these facilities makes it impossible to test either the urine or the blood of the victim and offender to determine not only the presence but also the degree or the amount of the alcohol in the blood. When a homicide is committed even in a drinking situation, by the time the information reaches the police, it may be about twelve or more hours or even several days and by then there may be no point in trying to determine the degree of the presence of alcohol in the blood. It is only for the purpose of evidence that blood of both the victim and offender is tested as a routine, usually

1 Marvin E. Wolfgang, *Patterns in Criminal Homicide*, page 134.

to determine the blood grouping. But in cases where a homicide or any violent crime takes place within reasonable distance from both the hospital and the police, the persons involved are usually driven to hospital for medical examinations to determine drunkenness, and usually not the amount of alcohol in blood circulation.

I have time and again, in my interviews, asked “Why do people kill others? What is the commonest cause of killing?” The police are usually ready with an answer “Drunkenness”. I put the same questions to the chiefs in Bugerere. They debated among themselves and gave me three most important reasons why people kill others: money, land, and women. The Saza Chief was not happy at all with this answer, he thought that women were cause number one. To them, alcohol seemed not to be a significant element in crimes of violence. Other people have said that alcohol and women are the most important causes. La Fontaine pointed out that “Officials of the Police and Administration say that drunkenness is at the root of most crime of violence.”² Many studies carried out in different parts of the world have shown that alcohol plays a role in the genesis of crime; not only crimes of violence, but even in crimes of different types such as destruction of property, raping, corruption, embezzlement and alcoholic consumption accounts for the majority of traffic offences.

Alcohol plays a very important role in the social life of the people in this country as it does in other countries. I can think of no occasion in the social existence of the people of this area where the use of alcohol is socially disapproved. It is perhaps in Christian churches and mosques that drinking of beer is not allowed. People consume alcohol almost on all personal and social occasions of all sorts. A woman gives birth to a baby, her relatives and friends will bring beer to her husband, and there will be drinking. I have even seen people buy brandy and wine to take to their wives after delivery and say that the use of these drinks stops after-birth pains. When a marriage is being arranged, beer must be present at every meeting at which the marriage is arranged. At marriages, almost

2 Jean La Fontaine in “*African Homicide and Suicide*” edited by Paul Bohannon, 1969, page 94.

everybody drinks, men, women, and old children. At death rites and inheritance ceremonies, people drink. At baptism and on other religious occasions, the use of alcohol gives prestige to the occasions. When people visit, or pass promotions, or retire from service, or return from abroad, or are leaving, or are appointed to new positions in Government or business, there is always a time to drink. At arbitration and dispute settlement meetings there is always drinking; before or after a successful hunting expedition drinking is routine. Drinking is, for some people, a daily business. One man said to me “Beer is to us what tea is to Europeans”. He did not know that in some European societies drinking is also a problem.

ETEREKO

In addition to this, there is an institutionalised drinking pattern among the Abanyankore and Abakiga, and to a much lesser extent among the Abatooro. This is the institution of *etereko*. *Etereke* is a traditional system of communally sharing drink. When a man brews beer, he usually has a reason for it. In most cases he may want to sell the beer and raise some money (*Okushengeza*) or he may want to harvest his millet fields (*okugyeseza*) or to cultivate his banana grove (*okusoreera*), or to build a house (*okwombeka*) but on any of these occasions, especially when he brews beer for selling, he must at least reserve one big pot for his friends, relatives and neighbours. This is called *okutereka*. On this occasion, men and sometimes women are invited by word of mouth to come and drink. Usually these are people who meet very often, because in most cases they are members of one or two neighbouring villages. Drinking usually starts early in the afternoon and continues till late in the night depending on the amount of beer available and the number of people present to share it. Very often the group members are the same as met at a different home a day or so before for the same purpose and will meet the next day or so at one of the members' home. Thus in a village of about thirty families, there is beer at least in a few homes; at least every other day if not everyday, and this makes it possible for people to drink freely almost everyday. Drinking is free but reciprocal. Outsiders may drink when they are passing through the village but should, ideally, leave as soon as their thirst is quenched.

At these drinking parties which rotate from one home to the other and from one corner of the village to the other, people decide important matters of their village. They may hear a case in which a man and his wife fought, but no decision may be reached because arbitration meetings are convened purposely for that matter. At the *etereko*, men decide when and where they should go to hunt. They also talk about witches and night-dancers, about girls who become pregnant before marriage. Almost any issue may be discussed not so much as to take decision, but just to inform the members of what is happening in and around the village, even stories may be repeated of what is happening in other areas distant from the village where drinking is being done.

This institution of beer-drinking makes it possible for the majority of people, in most cases, who are affines, agnates, friends or neighbours, to meet more frequently and for protracted lengths of time over weeks and months. This means that there is plenty of drinking and social interaction most of the time. Drinking in rural Ankole, Kigezi and to a lesser extent in Toro follows this pattern; but in towns, the institution is being broken as most of the beer must be sold to bring in money. One important point to remember is that settlement in Kigezi and to a lesser degree in Ankole, tends to be based on agnatic, and lineage lines. Therefore when disputes break out at a drinking party in Kigezi or Ankole, the individuals involved are most likely to be agnates, affines or friends. Thus, one drinks and debates, argues and conflicts with people close to him. In Toro one generally drinks with acquaintances and infrequently with his agnates, affines and close friends. The Bakiga, those who are living in towns and industrial areas, drink in chosen groups. Again this is patterned. The same groups meet in the evenings to drink after work. The absentee will give an explanation when he comes to the next day drinking session and if his explanation is not accepted, a fine will be imposed for non-conformity. The Abatooro drink in shifting groups. One may be drinking in this group and tomorrow he will be seen drinking among other people not necessarily of the same group as he was in yesterday. This means that any disputes which may arise, will not be related to previous similar situations.

Drinking is communal in Kigezi, and in Ankole; but much more individualized in Toro.

The following table shows the presence and distribution of alcohol in the 484 criminal homicide cases by districts:

Table XIX. Presence of Alcohol in Criminal Homicide Cases

	Ankole	Kigezi	Toro	Extra Sample	Total
Cases in sample	138	98	100	148	484
Alcohol Present	52	41	59	37	179
Percent	37.68%	41.84%	59%	25%	36.98%

The above figures and percentages do not refer to the presence of alcohol in either the offender or the victim, but to cases in which alcohol was mentioned in the homicide situation. In some cases alcohol was reported in the victim, in others it was present in the offender while in some both the victim and his slayer had alcohol present in their systems prior to the crime of homicide. Because of inadequate entries in records, these figures are not indicative of the role alcohol plays in criminogenic-homicidal situations but can only serve as pointers to what the actual role of alcohol in the generation of criminal homicide may be.

DRINKING IN TORO

Of the three districts being discussed, Toro leads with a figure of 59 out of 100 cases or 59% in which alcohol was present. It is widely held that the Abatooro are great drunkards; and Abatooro themselves on the whole accept this fact. Men, women and even children drink. I have personally seen a baby, less than a year old being given beer in a bar in Kitumba village. I have also seen old men and women over sixty years of age in bars drinking, dancing and enjoying (*okwegonza*) themselves. In Kigezi and Ankole, elderly people will be found in drinking parties described above, but not in licensed bars and night clubs on their own. In Toro, drinking is almost done everywhere; in bars, in private homes and in small shops. Small bars are scattered all over the district, some are licensed but most are not. You go out ten or so miles from Fort Portal and you will see small rooms written on them 'Bar', 'Twegonze Bar', 'Businge Bar', 'New Life Bar', 'Moonlight Bar', and so on. There are, at least three or four

beer-selling houses on most villages in Toro. The type of liquor that is called *Kagogo* is quite common. *Kagogo* is distilled from banana beer, it is sometimes called *Enguli* or crude *waragi*. It has a high percentage of alcohol. Many people like it very much; and its use has spread since the official manufacture of Uganda Waragi (a new distilled gin from banana beer etc.). The laziness that is said to be a major characteristics of the Abatooro, I think, could be attributed to this generalized drinking habit. A judge in a High Court case had this to say when the accused advanced intoxication as a defence:

“In a country where the bulk of the inhabitants are under the influence of liquor to a greater or lesser degree all day and everyday, I do not regard intoxication as a mitigating circumstance.”³

This drinking habit has its disadvantages in the society and its institutions. Excess consumption of alcohol over a length of time may lead to family breakdown and marital altercation; it interferes with adequate socialisation of the young members of society, it weakens social control; all of which cause widespread delinquency and deviance. In the economic sector of the society, alcohol is a factor in social disorganisation and instability; it undermines industrial efficiency, and agricultural production; in general, excessive use of alcohol retards economic and social development, and frustrates nation building efforts.

Toro is one of the richest districts in Uganda and yet its people are some of the poorest in the country. The only copper mine in the country with a labour force of over 5,000 is in Toro, but very few Toro men go to work at this mine. Coffee, cotton and cocoa are grown, but mostly by Abamba and Abakonjo. Toro produces the best tea in Uganda but very few Batooro grow it; it nearly became a monopoly crop of European and Asian farmers. There is a lot of fishing going on the three lakes which border Toro, but most of the fishermen and fishmongers are men from outside Toro. In nearly all of these industries and agricultural farms, most of the employees are Abakiga, Nyarwanda and Abanyankore and Abakonjo in that order; and only a few are Abatooro. This lack of interest and generalised dislike of any work which requires physical exertion is partly due to the debilitating effects of alcoholic consumption as much as it

may be due to conditioning through statements and remarks by government officials who keep on saying “You Toro are lazy”. Batooro themselves agree that their drinking is out of proportion in comparison with their neighbours. After Toro, with 59% of 100 criminal homicide cases, Kigezi comes next as the district with a high rate of alcoholic presence in criminal homicide situation. Of the 98 cases of criminal homicide from Kigezi, alcohol was present in 42% of the cases. Ankole had the lowest rate of about 38%. The presence of alcohol appears to be lower than would be expected because of other factors. In cases of domestic altercations, provocation, disputes over money, land and so on; most cases involve the ingestion of alcoholic beverages. Certain individuals gather courage after imbibing liquor to start a quarrel or engage in a dispute. If facilities for the determination of the presence and of the degree of alcohol in the blood were available, and utilised, the rates, would undoubtedly be much higher not only for Toro but also for the other two districts.

In the analysis of these homicides, it has been noted that Toro has twice as much a criminal homicide rate as, in fact, Ankole and Kigezi put together. This may be correlated to the higher rate of alcoholic presence in these situations of violence. This suggests that the more alcohol there is in the bloodstreams of individuals, the more these individuals are likely to engage in violence; and the more such individuals there are in society the higher the criminal homicide rate; and, of course, *vice versa*.

INTOXICATION AS A DEFENCE

Alcoholic intoxication is related to crime and to criminal homicide in particular because of its effect on the brain. It functions by releasing emotions and by lowering cortical control over the manifestations of anger.⁴ It acts by arresting the functions of the Superego and leaves the Ego free to respond to emotional states without further reference to socially approved ways. Sometimes the drunkard, and very often the alcoholic, commits murder because of failure to regulate motor discharges especially when these erupt as a

4 Marvin E. Wolfgang and Franco Ferracuti, *The Subculture of Violence*, page 190.

result of persecutory or jealous delusional states,⁵ and hallucinations. Prolonged use of alcohol may lead to psychiatric disorders such as *delirium tremens*, delusional states, a condition known as Korsakow's syndrome and chronic dementia.⁶

In Table 19 the extra sample shows the lowest percentage of the presence of alcohol in criminal homicide; this may be explained by the fact that most of the cases in this sample originated from disputes over property; in fact there are cases in which the victims or offenders were thieves. One could assume that alcohol plays a minor role in criminal homicides in which the motive is robbery but recent studies show that the presence of alcohol may prompt such behaviour as stealing etc.

There are many cases on court or police files which go to indicate that alcohol plays a significant role in the genesis of crime. In 1965, a High Court Judge observed that "These crimes of violence caused by excessive drink appear to be on the increase and call for deterrent sentences."⁷ In another case, the drinking appeared to have been the sole motive to explain the homicide. The judge summed up what happened in these words:

"There was no dispute. The accused, the deceased and another brother Yokana had been drinking night and day since 24 December. On 27 they were celebrating at the home of the deceased Kato, at Kasura village. They had started at 7 a.m. and went on dancing, singing, and shaking hands until the afternoon. Everyone was happy and there was no trouble (when the homicide occurred)."⁸

The above case is indicative of what happens on public holidays especially Christmas Day, Easter Day, Independence Day and other days of social merriment. On days following public holidays, many people are seen going to hospitals and dispensaries with all sorts of injuries most of which are results of prolonged jubilation and drinking. The consumption of alcohol and eating of meat in excess seem to be the prescribed ways of celebrating holidays especially

5 *Ibid* 206.

6 W. L. Linford Rees, *A short Textbook of Psychiatry*, E.U.P., p. 219-224.

7 Case No. 130/65—Original Case No. 699/65 in Mbarara court.

8 Case No. 575/62 in Toro court.

Christmas. Apart from such days of festivities such as Independence Day and others, there is no correlation between these murders and other variables such as month of the year, season of the year, date of the month and day of the week. February appeared to have the lowest rate, while June showed the highest, the first part of the year showed a higher rate than the second part; the days of the month ranged from 31st having the lowest number and 11th the highest; but there is no useful explanation for these variations. In rural areas where the bulk of the people are not employed week-and-month ends do not appear as peaks of interaction leading to violence, as would the case be among a group of employees. But recent samples taken from the city of Kampala tend to show slight rise of violent crimes over weekends when the employees are off duty and have more time to drink; and at the end of the month when they have money to spend on women and drinks.

Very often, chronic alcoholics get themselves in violent situations. Since quarrelling and disputes are common in situations where people are drinking, the individual who is frequently involved in such situations is more exposed to violence because of durational interaction in criminogenic situations. The following case illustrates this point very clearly. The accused was husband of the deceased; they were married according to the new type of marriage in which no bridewealth is paid and in which there is no going to church. The deceased was in the habit of frequenting beer parties and neglecting her duties towards her husband, the accused. The accused disapproved of this habit very vigorously. The accused reprimanded the deceased on many occasions but the deceased took no notice of him. On the day the deceased met her untimely death, she had gone to a beer party early in the day. She would not go home when she was requested to do so by her husband, the accused. The accused went back home at about 5 p.m. He had had no food the whole day and was sure to have none as the wife was still continuing to drink at the beer party. He was very hungry. Later on in the evening, the deceased arrived while under the influence of alcohol. The accused again reprimanded her, then there was dispute followed by exchange of words then a fight. The accused got angry and got a panga and

killed her with one blow.⁹ In another case it was the husband who was in the habit of drinking and doing nothing at home. He returned late at night apparently while under the influence of alcohol. He started demanding for food from his wife. She was angry and said to him "You spend the whole time away, you cannot gather firewood or draw water, why do you ask me to give you food. You are stupid (*Tumbafu*)."¹⁰ She is alleged to have slapped him, whereupon he got up and got furious and killed her.

From the above cases, it could be reasonably assumed that in the majority of criminal homicide cases in which the victim is related to his slayer, alcohol plays a significant part in the genesis of violent emotional states. One reason why people may get killed by their relatives and friends while under the influence of alcohol is the feeling that no harm may come out of a dispute since there is that relationship between the two disputing people; one may be over-confident and begins to assume that nothing serious is likely to come out. The other one may define the entire situation as requiring the use of violence. This comes as a great shock to the victim; hence the common death cry "so and so, have you killed me?" The way and the situation in which this last cry is uttered implies that the deceased least expected the slayer to slay him. It is usually done in the heat of temporary passion. Cavan has rightly pointed out that:

"The crimes performed by drunkards are more likely to be of the unplanned type or of a petty nature. Spontaneous drunken fights or venting a grudge normally suppressed, are typical offences of the habitual drunkard, and occur under the influence of alcohol."¹¹

Also, some of my informers have told me that there are cases in which a man may drink alcohol with the express intention of killing another one. They say that a man may be angry with his neighbour, but will keep his anger till there is drinking such as on Christmas Day, when the angered man will intentionally seek a quarrel with his opponent with the intention of killing him. It is in such cases that the defence is likely to be intoxication. Intoxication is admissible as

9 Case No. 333/55 in Toro Court.

10 Case No. 68/58 in Kigezi Court.

11 Ruth Shonle Cavan, *Criminology*, second edition, 1956, page 214-215.

a defence under section 13(2) of the Uganda Penal Code¹² provided that “any criminal charge if by reason thereof the person charged at the time of the act or omission complained of did not know that such act or omission was wrong or did not know what he was doing and—

1. the state of intoxication was caused without his consent by the malicious or negligent act of another person; or
2. the person charged was by reason of intoxication insane, temporarily or otherwise, at the time of such act or omission.

In accordance with the provisions of the above paragraphs, a person charged under (1) is discharged if it can be established that he was made drunk against his will; and under paragraph (2) the charged is dealt with under the provisions relating to insanity. Subsection (4) of section 13 of the Penal Code makes intoxication a mitigating factor in criminal homicide. The subsection reads as follows:

“Intoxication shall be taken into account for the purpose of determining whether the person charged had formed any intention, specific or otherwise, in the absence of which he must not be guilty of the offence.”

The Abanyankore and Abakiga customary law does not accept intoxication as a defence; because they argue that a drunkard cannot slaughter a dog—*Omusinzi tabaaga mbwa*—instead of a goat. According to this view, a homicide committed under the influence of alcohol has its motive and intoxication only becomes a cover and a rationalization for the crime.

12 Section 13(4) of the Penal Code. *Laws of Uganda*, Revised edition, 1964, Vol. IV.

CHAPTER 8

ADJUDICATION

HISTORICAL PERSPECTIVE

Under the customary system of law, there was no categorisation of criminal homicides into murders, and manslaughters; and manslaughters into those which are called negligent and those that are non-negligent. But this does not mean that people did not make a distinction between poisoning and spearing a person while hunting. All the three tribes make clear distinction between these two cases. *Okwita agyendereire* is killing intentionally; here the presence of *mens rea* must be determined; whereas *okwita atagyendereire*, is accidental killing and is so determined by absence of evil intention or *mens rea*; and it was on the basis of such classification of homicides that sanctions were determined as applied in individual cases. In most cases when a person fatally injured another one in the course of hunting, or working say in clearing land for cultivation, or in building a house, the offender was never even asked to explain provided the people know the circumstances under which the homicide occurred. And under such conditions, the killer was as grieved as the relatives of the deceased, and apart from the rituals that followed a homicide, the offender was pitied for the terrible deed, *okugwerwa akagwe*, was the phrase that differentiated such a killer from the *okugwisa akagwe*, which referred to an evil-doer. The shedding of human blood, as mentioned in the Introduction is ritually harmful to the people and the land. Therefore a killer had to be treated to make him ritually clean.¹ In cases where the offender was known to have acted with malice aforethought, *okwita nkana* or *okwita agyendereire*, vengeance was sought. Effort was made by the relatives of the deceased to avenge the death of their son or brother, and the offender was the right person to kill. But if he could not be traced, after taking cover with an elder or when he fled the territory, then any member of his immediate family was aimed at if not then a member of his

1 John Roscoe, *The Banyankole*, Cambridge, 1923, page 121.

lineage or clan. Fortunately, the elders tell us that there were few cases of intentional homicides, and there were fewer cases in which vengeance was exacted. Very often elders arranged settlement before vengeance could take place. Vengeance was dreaded because it led to blood feud which was much more difficult to settle than a simple and single homicide.

As Roscoe notes, murders were, extremely rare in Ankole, and statistics, of present-day governments have shown that these areas especially Ankole and Kigezi have constantly had relatively low rates of criminal homicide and aggravated assault. Inter-tribal homicides are unknown; in Kigezi there is little to show that there was inter-tribal conflict. In Ankole fighting and killing seem not to have involved Bahima and Abanyankore. This may allow us to say that the less contact between individuals and groups, the less the chance that conflict will erupt between them to lead to violence and homicide, and *vice versa*; except, of course, when there is inter-tribal war as that which happened in Toro between the Abamba, Abakonjo and the Abatooro. But even the Rwenzururu case, conflict and violence were heightened because of contacts between the three ethnics in Toro *Rukurato*, Parliament.

Western Uganda, just like the rest of Africa, has experienced something much more fundamental than what we normally understand by social change. This has been an upheaval of phenomenal magnitude. There have been changes in the social, cultural, agricultural, and religious sectors of society. Laws and conduct norms have been changed and replaced by English legal norms. So much of our legal system has been abolished with a result that the so-called legal codes, legal adjudications, legal process remain foreign and alien to most of the people. Enlightened lawyers have, of late, been advocating a change in the legal system of their country with a view to bringing in some of our traditional law. Recently, the Director of the Law Development Centre has been stressing:

“The need for an empirical research to identify and re-state the customs, mores, and laws applied in traditional African life in Uganda in the exercise of reforming the country’s laws...”²

2 *Uganda Argus*, Saturday, November 25, 1972, page 3.

There is nothing as confusing as to have foreign norms, and ideals dominate the legal system of a people. This confusion leads to more confusion not only to the masses of the people, but also to the law-enforcement personnel. Criminal homicide cases that would amount to murders are dismissed because of legal provisions, even when the people involved and those in the village know more of what happened than the trial judge and his learned advocates. This has led to a situation where the bulk of all offenses are adjudicated out of government courts; especially those dealing with thefts, embezzlement, forgery, and sexual offenses. Settlements reached in such moots are more acceptable than those settled in law courts.

If there is anything that our people have failed to understand; it is the British law regarding homicide. The average native sees no rationality in sending a murderer of his son to prison for ten years. The prisoner works and earns revenue for the government, the grieved family and lineage get nothing. It becomes all the more meaningless when the relatives of the deceased have to walk to courts several times usually covering long distances and at the end they come back with nothing. It is because of this situation that it is suspected that there may be some amount of violent crimes that are not reported, even homicides. Some tribes have retained their traditional compensation whether the accused is sentenced to death or acquitted; his lineage must pay; but outside the court. I am informed that this is still operative among the Iteso of Eastern Uganda.

APPREHENSION OF OFFENDERS

When a homicide has been committed, the offender may either run to the nearest chief or police station, or he may be arrested and detained by those present at the scene of the murder, or he may take to hiding in the bush. In most cases, the offenders prefer to report themselves to the local village chief or to the police station if the latter is within walking distance. Since Uganda's population is predominantly rural, and only less than 4% is urban,³ most of the criminal homicides are committed in rural areas; and since there

3 James Sheffield, (edited) *Education, Employment and Rural Development* (Kericho Report) 1966, page 58.

are very few police posts in rural areas, most of the offenders report their crimes to the chiefs, and usually to the *muruka* (parish) chief. When an offender reports himself to the chief, the chief takes him to the *Gomborora* headquarters where he is locked up in a cell; a letter is written by the *Gomborora* (sub-county) chief to the police. The *Muruka* chief and the village headman, *Omukungu*, after handing over the offender to the *Gomborora* chief, return to the scene of crime. The parish chief together with his village headman and others stay at the scene of murder till the arrival of the police, which may be a day or two. When the police arrive, they may interview the chief and some of the people that may have witnessed the crime. The body is put in the police van and taken to a mortuary for post mortem examination and the offender is collected from the cell and taken to the police post for formal indictment.

In some cases, the offender is arrested by the bystanders especially if he shows tendencies of wanting to escape. When he is arrested by the bystanders, in contrast to thieves, he is not beaten, unless he becomes violent, but he is tied with ropes and guarded till the arrival of the chiefs. As mentioned above, sometimes the criminal offenders take to hiding after the commission of homicide. They usually run into the bush for a few days before they give themselves up and come to report to the police. Only a few manage to keep in hiding for any length of time. This happens when the offender moves away into another part of the country where he is not known. Criminal homicide is such a highly visible crime that most offenders get arrested and show little tendency to hide perhaps because most of these crimes are committed in the heat of passion, that is why there is little effort to conceal them. The pure murders with malice aforethought may be different in that a murderer who plans his felony very carefully, may, in some cases, perpetrate it and remain at large without being detected. There are, definitely, murder cases that never come to the police and courts. A case of a man who dies from diarrhoea and vomiting due to poison mixed in his food by his wife may never come to the knowledge of the police. A pregnant woman who gets a kick from her drunken husband may abort and suffer from a fever due to sepsis and die without ever mentioning it to anyone that her abortion was due to a kick which

precipitated the fever. So there are quite many cases which would be listed as murders but which never get reported and recorded in police files; as mentioned above.

Where peaceful settlement was arranged, a homicide was settled by compensation. Roscoe, writing about the Bahima, spoke of as much as one hundred herds of cattle being paid. Among the Abanyankore, payment was made by payment of cattle if the clansmen of the offender had any, or goats, sheep, hoes, spears, basketful of millet and these were followed by marrying a girl from the clan of the offender into the clan of the deceased. This was the same case among the Abakiga and to a certain extent among the Abatoro.

In case where the offender is cleared of evil intentions, that is in cases of accidental killings, the members of the offender, accompanied by elders of other clans carried beer to the home of the deceased and no more was done except to cleanse the offender; but I am told, sometimes the offender's family moved further away to avoid future interaction and quarrelling that could lead to suspicion and retaliation.

THE POLICE

The police handle all the murder and manslaughter cases in the country. They are also responsible for charging the offenders and for collecting evidence and formulating the prosecution when the case eventually comes to the court. Therefore the police are in a very key position and may determine the fate of the offenders. Their methods of collecting information and evidence in respect of the offender or the victim may determine whether the charge is to be a murder or a less serious crime of manslaughter or to be dropped completely. It is important to note that the whole responsibility of criminal investigation lies with the police. It is alleged that the police may decide to stop the proceedings of a criminal homicide case by offering no more prosecution. This has given rise to a popular saying, *Ninkwita ninkugura*, which simply means, 'I will kill you and buy you'; i.e. pay off the police not to prosecute. My current investigation of violence in the city of Kampala seem to indicate that less than 10% of all charged with murder get convicted even for

manslaughter. The general public accuse the police of inefficiency and corruption.

There is some evidence that this sort of thing may actually be happening. There are plenty of cases which are discharged from courts due to lack of evidence. There is no reason why this may not be so; a corrupt police constable or inspector may easily distort the available evidence; and in so doing may make a would-be murder case into a manslaughter one and even the case may be closed and never reach the court. Delays too are a problem in the legal process in criminal homicide. Some cases take months before they are adjudicated by courts. This is usually due to many cases being on the waiting list; but may also be due to police inefficiency, corruption, and inadequate training in investigation techniques. In the following case the magistrate wrote at the preliminary inquiry:

“Hearing was fixed for today. Accused now on remand for five weeks. No excuse offered. ... I shall take the unusual course of dismissing (the case) for want of prosecution as there has been a great deal of this sort of thing lately—i.e. no effort being made to get cases on for hearing. The accused will of course be re-arrested and charged again. I may also add that when a case is fixed for hearing it amounts to contempt of court to merely bring up accused and say that not ready. It was fixed for hearing with the knowledge and consent of prosecution. Accused discharged.”⁴

Delays are not infrequent in police investigations in criminal cases and as just mentioned above, could be due to a number of factors. The speed with which a criminal case is dealt may reflect the degree of efficiency and adequacy of professionalism. The following is cited from a case in which the Chief Justice complained of these delays:

“Finally there seems to have been some substantial delays relating to the exhibits in the course of investigations. The police received the human organs, and some other objects requiring examination by the Government Chemist on 16 and 17 June. They were not dispatched from the police station to the Government Chemist until the 10 July. The Chemist completed his report about 26 July, but the report was not received by the police until the 18 September.”⁵

4 Case No. 311/55 Toro court.

5 High Court Case No. 214/59 Kampala court.

Almost eight years later, another High Court Judge complained of the same thing at Jinja:

“Before I examine the evidence I think I should state that, in my opinion, it is quite wrong that the accused has had so long to wait to stand his trial. He was committed for trial as long ago as 12 January this year (this was written on 6 November, 1967). The fact that such delays are, unhappily, common does not mean that we should accept them without comment.”⁶

The present system seems to subject the role of the court to police determination. In fact the people in and around Kampala, Mbarara, Fort Portal (Kabarole) and other cities think it is the police that matter in criminal cases and not the courts. It is the police to decide whether a case goes to court or not; it is the police to furnish the office of the Director of Public Prosecutions with relevant information from which attorneys will determine the seriousness of the case. Should the police determine to mislead the office of the Director of Public Prosecutions, the latter can do nothing about it; after all none of the young attorneys has ever been in the field to investigate a crime; to them investigation is for the lowly educated police. So under such conditions, the efficiency, professional proficiency, highly sophisticated methods of detection and, above all, group morale of the Police Corps become very important and where these are lacking, the miscarriage of justice becomes a common occurrence.

Delays are not to be found in the police alone. There are delays also in the channels of authority and directives. Before a case can be prosecuted in court, a written authority must be received from the Director of Public Prosecutions. In the following brief letter the Chief Magistrate of Toro writes to the Director of Public Prosecutions about the delay:

“The above accused persons are in custody since 17 July, 1968 and police file is with you since September, 1968. Please advise position by return. (This was written on 26 August, 1969).”⁷

Unfortunately, it was not possible to calculate, how much time, an average offender spends before he is adjudicated by court. This was

6 Case No. 403/67 Jinja court

7 Case No. MFP/400/68 re: Fort Portal Police CRB. No. 840/1967.

due to lack of entries on records, but it is rare that a person charged with murder comes before the High Court under six months from the time of his detention.

TREATMENT IN GENERAL

Treatment of offenders in Uganda aims at reforming the criminal and also at punishing him so as to teach him not to repeat his misdeeds and deterring others not to do what he did. But it must be pointed out that there is hardly any argument regarding the efficacy and method of these corrective measures. Very few people in this country ever concern themselves with the subtle question of the treatment of offenders for the majority, that is 'government business'. The judges, police, magistrates, and prison officers still prefer the century-old method, and show very little variation from the rest of the general public. The public appears to prefer retribution and the infliction of pain and suffering on the offender. The commonest way of handling a thief in Uganda as noted earlier is to beat him to death irrespective of the value of the goods stolen. People have been beaten to death for as much as a mere one hundred shillings, or for stealing a chicken'.⁸ This tendency of negative sanction favouring the infliction of pain is also noticeable in court sentences. The courts, especially those presided over by lay magistrates, determine punishment to suit the crime and not *vice versa*. The idea of deterrence is very often stressed in courts even by High Court Judges. Recently, the courts introduced the idea of suspended sentences for first offenders of crimes of a minor nature. This was not popular with the law enforcement agents such as the police and lay magistrates. Probation

8 *Uganda Argus*, November 25, 1972. In this case a woman lost her chicken, she suspected two of her neighbours, she reported the matter to a chief; two men were arrested, their premises were searched. Behind the house of the alleged thieves was found chicken feathers, and intestines were found around the house of the second accused. The chief then wrote a letter and handed the two men alleged to be thieves into the custody of two other men for escorting the alleged thieves to Mpigi Police Station. The alleged thieves were not seen alive again. They were beaten to death on their way to the Police Station. The two accused men in this case were the two men who were delegated the responsibility of escorting the alleged thieves to the Police Station. The High Court found them not guilty and were acquitted because "the prosecution has failed to prove its case against the two accused persons on either count beyond reasonable doubt."

as an alternative to Prison Sentence is, I have been informed, more beneficial to adults than young offenders.

Of the 569 alleged offenders who appeared before the court, 78.5% were found guilty, and 21.5% were found not guilty. This is not very much different from Wolfgang's study of Philadelphia in which he found that 76.8% were found guilty.⁹ Of the 21.5% not guilty in the present study 18 (or 3.1%) were cases in which the defence entered a *Nolle Prosequi* plea and as a result the accused were released. The rest, 105 in all (or 18.4% of the whole sample) were acquitted and others discharged. Most of the *Nolle Prosequi* and discharge cases were those in which evidence was either insufficient or contradictory. Grave provocation too accounts for some of the acquittal cases. A Nyarwanda man who speared a bus conductor near Mbarara in Ankole when a bus had killed several of his cattle was acquitted because he was assumed to have acted under immediate and grave excitement. There is, however, one case in Toro sample that was mentioned earlier, which is of particular interest. The accused was a Mutooro Gomborora chief, the deceased was his Mukonjo policeman. The chief beat the policeman with a stick and ruptured some vital internal structures from which the latter died. The deceased was beaten because he neglected the cashbox into which the monies that were collected by the chief from taxes was not being looked after more carefully by the deceased whose duty it was to keep the cash box safely. The two men involved in this homicide were doubly ranked. First in the traditional caste system in which the Abatooro are the upper and the Abamba and Abakonjo are the lower caste. This relationship could have precipitated the homicide. The second ranking is that of the roles the two men played vis-a-vis each other. The offender was the higher in rank and status and the deceased was the junior both in rank and status. The ranking of these roles reinforced the already existing social ranking, and the whole pattern of these relationships and the way other individuals involved in the case as witnesses, prosecutors, magistrates etc. could have affected the case favouring the accused. He was acquitted.

9 Marvin E. Wolfgang, *Patterns in Criminal Homicide*, 1958, page 300.

The second method of disposing of alleged offenders is that of probation and 'Bound over' months; which are almost the same things. Only 19 people out of 569 received this treatment. The usual period for suspended sentence is one or two years; mostly offered for first offenders of criminal homicides resulting from trivial arguments and drinking. This method has been criticised especially by chiefs and police that it is going to increase criminal homicide. That if a person knows that he will serve his prison sentence outside the prison, he is more likely to kill because there is no deterrence. The advocates of this view offer no explanation as to why this should be the case.

There was a small number of people who were found guilty of the offence of criminal homicide but the degree of their guiltiness was so negligible that they were sentenced for imprisonment 'till the rise of the court'. There were only six such cases. Usually offenders who are disposed of in this way are borderline cases in which the offender either did not intend to do what he did or if he did intend to do it he did so either for self-defence or by mistake. One case from Toro is on record in which a young man cut to death his aging grandmother with a panga, by mistaking her for a thief. It was at night he could not see her properly. Of the 569 offenders in present study, only 36 (or just above 6%) were found to be legally insane under the M'Naghten Rules under which insanity is a defence if the accused proves it.

But here we have to be careful, because insanity¹⁰ and Diminished Responsibility are very relative concepts and as such are subject to different interpretation as we noted earlier. Thus there are relatively more criminal homicide cases in England perpetrated by people of unsound mind than in U.S.A. Wolfgang says that some years the rate of such homicides may be as high as 50%.¹¹ This may be due to the fact that England enjoys an extremely low homicide rate compared to U.S.A. and is nowhere to be compared with Uganda. In this study, one criminal lunatic committed suicide while awaiting his trial. England and Wales report a high incidence of homicides

10 J.J. R. Collingwood, *Law in Africa*, No. 23, page 32.

11 Wolfgang, *op. cit.* page 324.

followed by suicides.¹² Wolfgang gives three main reasons why there are relatively more homicides that are committed by people with mental aberration. That it may be:

1. a method of escape from an abhorrent duty,
2. an index of increasing awareness and recognition of serious mental and emotional disturbances in offenders, or
3. the result of more detailed psychiatric examination of the homicide offender than in U.S.A.¹³

In a country like Uganda, it is absolutely impossible to estimate the percentage of insane people who commit criminal homicide because of the scarcity of qualified psychiatrists. Very few criminal homicide offenders get the opportunity to be examined by a qualified psychiatrist. The usual practice is to consult any practicing medically qualified person may he be a surgeon or a general physician. This means that there are offenders who are never examined properly and therefore are never designated as insane because of lack of skilled and professional specialised expertise.

On insane differentials between U.S.A. and England, Wolfgang explains that homicide followed by suicide are phenomena which are somewhat subjective, suicide itself being an objective fact. In comparing the two countries, Wolfgang concludes that since there are relatively more homicides followed by suicides in England (a phenomenon which is indicative of mental illness) the insane differential cannot be attributed to lack or absence of psychiatric analysis as Abrahamsen had indicated.¹⁴ I am, of the opinion, that homicide followed by suicide generally, may not be an indication of mental disorders; I am more inclined to think that such a phenomenon may be due to the cultural imperatives and definitions of an abhorrent situation. After the commission of a homicide, the offender may react to his action in any of the several alternative ways. He may decide to take his life by committing suicide as is the commonest alternative among the English; or he may take to hiding or running away from authority and become a fugitive; or he may

12 *Ibid.*

13 *Ibid.*

14 *Ibid.*

straight away report himself to authorities. Therefore committing suicide after a homicide may not necessarily be indicative of mental disorders, it may simply be one of the ways in which a criminal culturally responds to given situations. One may also argue that since insanity (and even normality) is a relative concept, if thorough psychiatric examination is done on every homicide offender, many more will be found to have been mentally disturbed if not quite insane in legal language at the material time. Reactions to provocation and anger, in a way, are reactions that may not be representing normality. A drunkard who kills his friend while under the influence of alcohol cannot be said to be 'normal'. Suicide like homicide is more common in some cultural groups than in others. In Uganda the Basoga of Eastern Uganda are known to resort to self-destruction while faced with certain difficulties which would not lead to suicide in other societies.¹⁵ This leads me to state that cultural definitions that may explain the greater number of homicides in society may be about the same explanations for suicide. Suicide seems to be a relatively uncommon deviance among the three main ethnic groups being discussed. Suicide is very much disapproved of. Suicide leaves a lasting mark of shame and degradation on the family, lineage and the clan. The Abanyankore say that a person who kills himself is not mourned; *oyeitsire tacurirwa*.

IMPRISONMENT

Prisons, were imported into this country by the British. Cunningham reports that he was told that the method of dealing with thieves was by fines, and that in a case where a thief did not have twice the amount of goods he stole for fine, he "would be imprisoned in a hut for a number of days".¹⁶ This information seems to have been obtained from the area where Europeans had been operating for some five years; otherwise solitary confinement does not seem to have been used. Confinement might have developed among African people through Arab-slave trade; as large numbers of people were kept together waiting for the Arab merchants to come. Imprisonment

15 L. A. and M. C. Fallers, "Homicide and Suicide in Busoga" in *African Homicide and Suicide*, edited, Paul Bohannan, 1960.

16 J. F. Cunningham, *Uganda and its People*, 1905, page 17.

as a mode of punishment, is less than three hundred years old. The aim was the *reform of the criminal*. It is for this reason that 'Prisons' in America are generally and officially called 'penitentiaries'; penitentiary being derived from Latin to mean a place where a man may be sent to do penance for his sins against society.¹⁷ In this sense a prison is not a place where offenders go to be punished as we seem to understand it here in East Africa; but a place where a person is sent for reformation. The leading principle in imprisonment of criminals in East Africa as a whole is punishment; but the idea of reformation is also there. Severe punishment in the form of long prison terms is assumed to be a great deterrent not only to the individual criminal but also to the general public. The courts believe this, so are the police, the law-makers and the public.

Imprisonment for any length of time from a few months to years of imprisonment remains the major and preferred (by courts) method of disposing of criminal homicide offenders. Usually the sentence of, say, seven years is followed by 'with hard labour'.

Table XX. Disposition of Offenders

Disposition of Accused	Ankole	Kigezi	Toro	Extra Sample	Total
Acquitted and discharged	26	9	8	62	105
<i>Nolle prosequi</i>	2	1	0	15	18
Bound over	1	4	1	6	12
Probation	3	2	0	2	7
Imprisonment till rise of court	1	0	0	5	6
Insane: to Mental Hospital	10	9	5	12	36
Imprisonment for less than 1 year	8	13	4	8	43
1-4	51	25	26	38	141
5-9 years	19	14	29	20	82

17 Gerald Leinwand (editor), *Prisons, Pocket Books*, edition, New York, 1972.

10-14 years	3	1	3	3	10
15-19 years	0	0	1	1	2
No record	5	10	1	0	16
Detah penalty	22	9	20	40	91
TOTAL	151	98	108	212	569

The above table shows that 284 offenders or over 50% of the 569 alleged offenders were sent to prison as again 19 or just a little over 3% who got a suspended sentence or probation. It would be of interest to compare Uganda's rate of suspended sentences and probation of convicted offenders of all crimes with Sweden where 80% of convicts get suspended sentences.¹⁸ Section 4(1) of the Probation Act (1963) says that a probation order shall have effect for such period not less than one year and not more than three years. Only offenders convicted of less serious offences and usually first offenders receive probation orders.

Under Uganda law, murder as legally defined is punishable by death, and manslaughter and attempted murder are punishable by life imprisonment.¹⁹ Life imprisonment, in most cases, means twenty years behind the bars with hard labour.

It is not quite clear from the Penal Code what the aims and objectives of imprisonment are. High Court Judges are fond of making statements like this: 'The use of *panga* is on the increase and calls for a *deterrent* sentence.' In such a statement, length of sentences in terms of years is viewed by the judges as a *deterrent*. In some cases, the offender is sent to jail with the intention of reforming him and making him a more conforming individual. So the prison, is viewed by the law enforcing agents as an institution where the wrongdoers can be reformed and rehabilitated by treatment, and also receive their due punishment for their misdeeds. In a case in which a man killed his mother, the judge said that he was sending him to prison for a long time (19 years) so as to protect society from his dangerous conduct. The fusion of these aims and objectives,

¹⁸ *Time*, 18 January, 1971.

¹⁹ Uganda Penal Code sections 183, 184, 185, 197 in Laws of Uganda. Vol. IV, Revised edition, 1964.

inevitably, results, as Sutherland and Cressey noted, in conflict.²⁰ The time criminal homicide offenders had to spend in prison ranged from one day (in those cases in which the offender was imprisoned 'till rise of court') to 19 years and over, i.e. life imprisonment. When this period is divided into periods of four years, the period of one to four years seems to be the length that the majority of the offenders get as their punishment. 284 criminal homicide offenders out of 569 received imprisonment. Out of 278, offenders who went to jail six having been put on probation, 141 went in to serve between one and four years; the majority of whom were those to serve one to two years, with 18 months being a popular sentence for offenders who committed their crimes while under the influence of alcohol. The next largest group, of 82 offenders, had to go to prison for a period of five to nine years; with seven years being a more common sentence than other lengths of time within this range. One thing seems to be related to the length of prison sentence, and this is the interpersonal relationship of the offender and his victim. The closer the relationship, the longer the prison sentence; i.e. a son killing his father, or a man killing his brother or his in-laws. Maybe because such homicides are more complicated, their perpetration being brought about by other interrelated social factors.

The period of imprisonment for less than one year is given for a number of reasons. Drunken brawl involving husband and wife, or thief beating, and general altercation arising out of alcohol intoxication seem to be the commonest offences to be punished by imprisonment for less than one year. Some of these offenders are given the opportunity of serving their sentences outside the prison, probation, especially if they are young and first offenders. Usually, the suspended sentence is granted after considering the length of time an offender has spent in detention awaiting his trial; which, in most cases is never less than six months and may be even more than a year as we have seen about delays in the court procedures.

Ten to fourteen years of imprisonment is not a very common sentence, and 15 to 19 and over is quite rare; except in borderline cases where the penalty for murder would have been the death

20 Edwin H. Sutherland and Donald R. Cressey, *Criminology*, 8th edition, chapter 23.

penalty. There were ten cases for the 10–14 years and only two for the 15–19 years and over. Surely if a prison sentence is viewed as a reformation and rehabilitation programme, such long periods of time would be conflicting with such objectives. Protection of society seems to be the major consideration in meting out such long sentences.

Death penalty is the punishment for all murder cases and, since 1968, it became mandatory for robbery with aggravation. The commonest argument for the retention of this law is that hanging deters the would-be murderers, and therefore lessens or slows down the rate increase of crimes in general in the country. Many studies elsewhere have, however, proved, as one writer put it, that *Peine de mort, Peine Perdue*.²¹ In U.S.A. where some of these studies have been carried out, it has been found that in states which have no death penalty, murder rate is a third or half as high as in states with the death penalty.²² In several European countries, states which have no death penalty have lower homicide rates than those which have the death penalty.²³ The great American Sociologist, Thorsten Sellin, after studying a number of states in the union which had abolished capital punishment and, those which retained it had this to say:

“If any conclusion can be drawn from all the above data, it is that there is no evidence that the abolition of the death penalty generally causes an increase in criminal homicides or that its re-introduction is followed by a decline. The explanation or changes in homicide rates must be sought elsewhere.”²⁴

It is interesting to note that some countries, outside Africa are now hotly debating the question of abolition of the death penalty while in Africa, and Uganda and Kenya in particular, people are demanding more severe penalties and the extension of the death penalty to include crimes other than murder. Professor Sir Leon Radzinowicz has noted that such tendencies favouring wider use of

21 Andre Nermadeau, *Maintenant*, No. Vol. (43–44) 238–242, 1965. (*Peine de mort, peine perdue* means that death penalty is useless penalty).

22 Sutherland and Cressey, op. cit. pages 330–340. In 1973 U.S.A. abolished the death penalty.

23 *Ibid.*

24 Thorsten Sellin (editor) *Capital Punishment*, Harper and Row, 1967, p. 124.

capital punishment may be indications of a society inclined toward retrogression.²⁵ In March 1970, a member of the Kenya Parliament urged the House to recommend that any person sentenced to death for murder be shot in a public place by a firing squad after the public have been informed in advance. In an amendment, another member sought to provide public hanging for political assassins. Both the original motion and its amendment were rejected.²⁶ In Nigeria, the Military Government in the whole of last year executed about 200 robbers by firing squads in public. Recently the President of Central African Republic led a band of soldiers into a prison and ordered the soldiers to beat some of the inmates. Some were beaten to death. All this is done with a belief that others will not do the same thing. A bill is before the Kenya Parliament to make armed robbery a capital crime punishable by death, Zambia is proposing the same measures.

In the present study, 91 offenders out of 569 or just about 15%, were sentenced to death: death sentence passed on a criminal does not mean that the criminal actually gets hanged, most of them get their sentences reprieved and commuted to life imprisonment, which normally means twenty years. Toro had 20 murderers out of 108 offenders or just above 18% of the offenders. Ankole, with 22 murders out of 151 offenders or just a little over 14% is the second and Kigezi with 9 out of 108 or just 9.4% had the lowest rate. Radzinowicz has said that murders are a reflection of the expanding lawlessness in society;²⁷ i.e. the higher the murder rate in a society, the higher the degree of lawlessness in that society; and *vice versa*.

Those who advocate the death penalty argue that it is the most effective deterrent from murder and that its presence and use prevents the public from lynching criminals. This is what most people in these areas think. Some advocate, as pointed out earlier, public hanging 'because others will fear to commit the same crime'.²⁸ The most interesting question, which normally is never raised, is how effective

25 Leon Radzinowicz, *The Sunday Times*, 21 September 1969.

26 *Daily Nation*, Saturday 7 March, 1970.

27 Leon Radzinowicz, *op. cit.*

28 Sutherland and Cressey, *op. cit.*

and how deterrent the death penalty is in a given society. This idea of deterrence goes far back in history; in the 18th century, a British judge is said to have said to a criminal:

“you are to be hanged not because you have stolen sheep but in order that others might not steal sheep.”²⁹

This idea of deterrence is implicit in the new bill which went through Parliament under which robbery with aggravation is punishable by death.

It was mentioned earlier on, that the commonest method of dealing with robbers and thieves in general is to beat them to death. In some areas thieves and *kondos* have been harrassing the people so much so that villagers, in some places, have grouped themselves into what have been called ‘999’ operation groups or into Vigilantes to keep watch over villages at night. Almost everyday a thief is beaten to death, especially in Kampala. The argument is that when thieves are taken to courts, they are given light sentences of a few months or years and return to the villages to rob and harass the people. That the police and the courts are very lenient in dealing with the robbers. *Kondo* murders are so frequent that even innocent people are killed in suspicion, and I have heard people say that all thieves should be killed and left on the side of the road for others to see and learn. But whether this really does affect people’s attitudes towards crime and especially homicide, is difficult to support because of lack of empirical and verified data. Professor Radzinowicz has written to warn that:

“It is no use deluding ourselves that hanging a dozen or so offenders a year would have any impact on the pattern of crime. Either the dosage of capital punishment is increased above previous records or ‘we would be best advised to forget the whole thing.’”³⁰

29 A Bloch and Gilbert Geis, *Man, Crime, and Society*, 1966. page 496.

30 Radzinowicz, op. cit.

CHAPTER 9

RWENZURURU MOVEMENT

HISTORICAL PERSPECTIVE

RWENZURURU is the name of a mass movement that appeared, to most people in Uganda, to have erupted somewhat spontaneously, which led to bloodshed and massacre of hundreds of people in the district of Toro in early 1960's. The conflict was and still is between the Abakonjo and Abamba against Abatooro.

Rwenzururu as a protest mass movement¹ represented the Bamba and Bakonjo's demands for a separate district within Uganda administrative structure. But this is an oversimplification of the matter. The movement has its origin in the British colonial rule over the whole country. Traditionally, that is before the advent of the British in these areas, the Abakonjo and the Abamba lived on their own and the Abatooro lived under their Omukama (King or President). When the British arrived, represented by Lugard, the Abamba and the Abakonjo areas were included under the Omukama of Toro. For the first time the Abakonjo and Abamba were made subjects of what they called a foreign ruler. Thus, the district of Toro, under the British comprised of these tribes or ethnic groups, the Abatooro, the Abakonjo and the Abamba, who are linguistically different and culturally heterogeneous. The Abamba and Abakonjo make up 40% of the district of Toro whose population in 1969 was 571,006.

Since the amalgamation of these groups, their relationship has never been happy. Hatred arising out of social, economic and political inequality was the main characteristic of this relationship. Class stratification in which the Abatooro were the higher and Abakonjo and Abamba were the lower and servile group increased the differences. The Abatooro were accused of despising the other two groups and looked down upon them. The Abakonjo and Abamba were regarded

¹ Martin R. Doornbos, "Kumanyana and Rwenzururu: *Two Responses to Ethnic Inequality, in Protest and Power*, edited by Robert J. Rotberg and Ali Mazrui, New York, Oxford University Press, 1970.

by their Abatooro overlords as “apes, baboons, gorillas, insects, dogs, flies and pigs.”²

The Abamba and Abakonjo were discriminated against in the services provided by Toro District Government; they were not appointed chiefs, clerks, hospital and dispensary attendants. They were discriminated against even in churches. They had, on the average fewer schools’ dispensaries, roads and other social amenities than the Abatooro. There was blatant discrimination in the way scholarships, bursaries and government development loans were allocated. Abatooro chiefs, teachers, priests and road supervisors were sent to work in Bukonjo and Bwamba areas; and they often mistreated the local natives. All these things happened in spite of the fact that the Abamba and Abakonjo paid in substantial sums of money in the way of taxes, fees, fines and other government levies.

Their area too was as is now, the most productive in the whole district, indeed in the entire province. The Abamba and Abakonjo produce the best coffee in the district, they grow and produce the best cotton; they grow cocoa, rice, groundnuts, onions, in addition to the regular foodstuffs such as bananas, millet, beans and so forth.

The only copper mine, Kilembe, in the country is found in this area; the second cement factory in the country at Hima is in their area. Fishing is also done in their waters; from where also we get our salt; the famous Queen Elizabeth National Park is in their area and most important of all; the Abamba and Abakonjo form a significant proportion of the labour force in these enterprises. They also supplied cheap labour for their Abatooro masters to cultivate land and tend cattle. But, in return, they got less than their due share and insults and discrimination continued. The Abamba and Abakonjo, like the Abakiga, are known for their industriousness and intelligence as compared to the Abatooro who have been, repeatedly, called lazy.³

And because of these qualities of industriousness, hard-work and intelligence, the Omukama and lords of Toro are alleged to

2 *Uganda Government, Report of the Commission of Inquiry into the Recent Disturbances among the Bamba and Bakonjo people of Toro*; Government Printer, Entebbe, 1962.

3 Ruth B. Fisher, *On the Borders of Pigmy Land*, Marshall Brothers, London, page 70.

have practiced forced labour upon the Abamba and Abakonjo. The Abamba and Abakonjo complained that they were unfairly taxed and fined in courts. They also resented the Abatooro who came to establish business in Bwamba and Bukonjo area as entrepreneurs. They opened up shops, bars; they operated transport; they engaged in purchasing cash crops especially coffee and cotton; and at the time of the Rwenzururu uprising, the Abatooro were in a domineering position in both political and economic sectors.⁴

The Rwenzururu movement, therefore came as a result of general discontent and as a desire to have something done in the way of lessening the burden of the subject people. The Rwenzururu Movement embraced the two ethnic groups of the Abamba and Abakonjo. The word Rwenzururu itself is derived from the word *Rwenzururu*, which means snow⁵ and not the mountain. Discontent and general awareness of unequal distribution of Social Services came with the formation of the Bakonjo Life History Research Society in 1954 by Samwiri Bukombi⁶ fathed-in-law of Isaya Mukirane, who later came to be the leader of the Research Society and finally leader and king of Rwenzururu. The objective of the research society was the recording of the origin and cultural practices of the Abakonjo people. This society formed the base on which future movement of Rwenzururu was to be founded by Isaya Mukirane, Yeremiya Kawamara and Peter Mupalya.

As early as 1955, through this Research Society, Isaya Mukirane had petitioned for representation in Toro *Rukurato* (Parliament); and for the recognition of the Abamba and Abakonjo as two of the three tribes, together with the Abatooro, who form the district of Toro. From then complaints became more frequent; and appeals to the Toro and Protectorate Governments continued; and progressively the relationship between the Abatooro and the Abamba and Abakonjo continued to deteriorate rapidly. Towards the end of 1950's the movement had become strong although the Toro administration continued to ignore it. The three men namely Isaya

4 Government Report, op. cit.

5 Personal Communication with Shem Bukombi, Makerere University.

6 Kirsten Alnaes, "Songs of the Rwenzururu Rebellion", *The Konzo Revolt against the Toro in Western Uganda*.

Mukirane, Yeremiya Kawamara and Peter Mupalya mobilised their tribal men for action. Isaya Mukirane was a Mukonjo and Yeremiya Kawamara and Peter Mupalya were Abamba. They united and formed Rwenzururu as a movement of protest against inequality, unfairness, injustice and degradation, humiliation and subjugation which the Abamba and Abakonjo people suffered at the hands of their Abatooro overlords. Their objectives were (1) to be allowed to participate in the affairs of Toro district as their Abatooro counterparts; (2) to stop Abatooro from calling them pigs, dogs and apes. Their views of how they were to achieve their objectives were simple but elaborate. The Toro Kingdom government paid no attention to these demands. When the demands for equal participation in the political and administrative affairs of the whole district were not heeded, the Rwenzururu leaders sought and demanded a separate district of 'Rwenzururu' which was to include the two ethnic groups of Abamba and Abakonjo. After all, the Sebei in the eastern region and the Madi in the northern region who numbered about 50,000 each had been granted district status each while the Abamba and Abakonjo numbered well over 20,000. This demand came as a development of the Constitutional Conference held at Kabarole prior to the London Constitutional Conference. All districts in Uganda were holding Conferences which were to draft and formulate district demands and needs that were to be considered for inclusion in the final national Constitution. Toro as a kingdom had to hold its own constitutional committee. On this no Mwamba or Mukonjo was invited to participate. This angered the Abamba and Abakonjo very much. They complained very vigorously as a result of which two representatives were appointed from among them. The newly appointed members of the constitutional committee began by demanding that it be made clear in the Uganda Constitution that the kingdom of Toro was inhabited by three tribes of the Abatooro, Abamba and Abakonjo. The Abatooro majority members of the committee rejected the proposal. The two representatives from the Abamba and Abakonjo reacted by walking out and never took part in further committee meetings. The Abatooro demanded that their kingdom be accorded the same federal status as that which was accorded to the kingdom of Buganda. They got this federal status which angered the Abamba and Abakonjo. The Abamba and

Abakonjo viewed all these constitutional changes in which they were not represented as intended to make their position vis-a-vis their Abatooro overlords worse than ever. Bitterness continued to mount; and in March 1962, the Abamba and Abakonjo members of the council walked out of the meeting in protest at the way things were developing. As a result Toro Government took action against the Abamba and Abakonjo members of the *Rukurato* and accused them under customary law (customary Toro law) of insulting the *Omukama* by walking out of the council meeting. The men were arrested and put in jail; while there, by-elections were held in which the jailed leaders could not participate. This led to the election of some other people who were more acceptable to the Toro administration but who did not enjoy the same support of the masses as did those who were in prison. This led to further bitterness. The situation continued to be tense; and, at last, in August 1962, violence broke out at Karambi; one of the sub-counties in Busongora area. A Mutooro chief was attacked when he went with his *askaris*, police, ostensibly to collect taxes from the people, who were living in the hills above Karambi. A crowd gathered and threatened to kill the Mutooro chief and his policemen. He was saved by a central police constable who had a rifle.⁷

From then trouble spread throughout the entire range of sixty miles of the mountainous land and the areas around that range. Homes were set on fire, Batooro settlers and businessmen were hunted by Bamba and Bakonjo crowds; schools, dispensaries and government offices in the affected area were closed and lives were lost—nobody will ever know how many. In response to this situation, the Abatooro organised themselves, not only for defensive but also for offensive operation.

“...instigated by Toro Government officials, the Toro made a ten-day onslaught, primarily on the Konjo, which was unprecedented in its brutality and indiscriminate killing. Brought from Mwenge and other Toro counties to plains and lower slopes of Rwenzori, hundreds of spearmen together with local Toro killed numerous Konjo men, women and children. Official figures give a few hundred casualties

7 Government Report op. cit

but there is a widespread conviction that the actual number was many times more.”⁸

In 1964, a Member of Parliament asked the Minister for Internal Affairs the total number of people wounded and the total number of people killed since the Rwenzururu Movement started in Toro. The reply was given by the Parliamentary Secretary to the Minister of Internal Affairs that 116 people had been killed, and two were missing, but were believed to have been killed; and there had been 118 assault cases.⁹ Earlier on, the Minister for Internal Affairs, while introducing a motion to extend emergency powers in Toro, had this to say in Parliament:

‘The situation there is a terrible catastrophe for people living up and along the foothills of the Mountains of the Moon. During 1963 there were 583 cases of violence and intimidation reported to the police which were directly relevant to the dispute now going on in that Kingdom. During the same period, 1,897 persons were prosecuted, 1,854 were convicted, 19 were acquitted and 24 are awaiting trial. This dispute alone gave rise to 267 cases of arson, 93 of robbery; and theft, and 58 cases of malicious damage to property. In one day alone, on the 21 October last year, 41 cases of arson occurred. This figure of 583 cases of violence and intimidation reported in 1962 ... During the year preceding the establishment, in March, 1963, of Central Government control in Busongora and Bwamba, control by the Toro Government of the whole of Bwamba/Bukonjo areas had broken down completely. Let me illustrate. Firstly, all schools were shut. This was particularly serious in an area already backward and where continued ignorance could perpetuate mistrust in this country. Secondly, all dispensaries were shut. This meant that ordinary medical help was out of reach of 14,000 citizens of this country. Thirdly, administration was at a standstill. Chiefs appointed by Toro Government were unable to carry out their tasks. Not a penny of tax was being collected. The roads were falling into disrepair. All normal functions of local administration had to be suspended. Immediately upon the Central Government assuming direct responsibility for Bwamba and Busongora in March last year, the situation changed completely’.¹⁰

8 Martin R. Doornbos, *Kumanyana and Rwenzururu: op.cit*

9 *Uganda Parliamentary Debates*, 3 July 1964.

10 *Hansard* 1964 Vol. 24, page 1113.

MASS MURDERS

One full account of a single incident illustrates the nature and proportions the mass murder had reached by middle of 1964. This is an account of the extinction of the entire family of eight. During the night of 8/9 June, 1964, a number of houses were burnt down in the area in which Kicucu village is situated and that on the morning of 9 June, 1964 a group of some 20 to 30 Bakonjo men, women and children, proceeded from the area to the main Fort Portal-Kasese road to a point about 16 miles from Fort Portal. The deceased, Masudi, was among this group and from the evidence it could be inferred that they were all hoping to obtain transport away from the area. While at the road, a man in a pick-up truck came up from the direction of Fort Portal going towards Kasese. As some people climbed onto the truck, a large crowd of Batooro, armed with spears, pangas and sharpened sticks, were seen approaching from the direction of Fort Portal. When the driver of the vehicle saw the crowd, he drove off leaving many Bakonjo including Masudi and members of his family behind. The Bakonjo were being pursued by the advancing crowd of Batooro. What took place when the yelling crowds of Batooro caught up with the Bakonjo can only be imagined.

The following account illustrates further the nature of violence of Rwenzururu murders. It is evidenced by the prosecution at the trial of the case described above:

“At about 2.45 p.m. on 9 June, 1964, I reached mile 17 on the Fort Portal—Kasese road, while returning to Fort Portal from Kibito Isaza Headquarters (mile 20). I was accompanied by Police Driver Muyingo and Pte. Kizibe of the Uganda Rifles. We were travelling in a Police Landrover with the bodies of six dead Bakonjo women and children in the back. As we drove towards Fort Portal, I noticed the smoke of a burning house a short distance into the bush on our right-hand side. I decided to investigate and we moved off the main road along a track which led, after about 100 yards, to the burning house. We left our vehicles parked on the main road. The Uganda Rifleman had a rifle, but neither my driver nor I were armed.

“The house was on the right-hand side of the track and when we arrived we found the house surrounded by approximately 300 Batooro, all armed with spears, pangas or sharpened sticks. The house

was ablaze. Some of the crowd of Batooro were breaking down the mud walls, others were smashing in the corrugated iron sheet roof, others were tossing dried grass through the smashed windows of the house to help the fire blaze properly. I saw that the plantain trees in the adjoining *Kibanja* (land holding of one individual; usually cultivated and planted with banana plantains) had all been cut down. All the gangs were taking an active part in what was going on, either surrounding the house with weapons or else demolishing it as I have described. I shouted out in Swahili, "What are you all doing?" When they saw the armed soldier, most of men promptly ran off into the bush, but many others jumped round to face us and brought up their spears and pangas in a threatening gesture. I saw the body of a dead Mukonjo woman lying on a path between the track and the front door of the house. A child with an injured arm was sitting on the ground beside her. I called out, "You have murdered this woman and burned down the house!" The reply was a confused roar of shouting from the gang, so I asked for their leaders to step forward. One man came forward from the crowd surrounding the house and gave his name as Erenesti Rwaheru. I now identified him as A. 16 in court. I at once gave a verbal caution to this accused and warned him that anything he said might be used in evidence on charges of murder and demolishing property. Rwaheru replied, "There are Bakonjo in that house armed with spears. We want to get them out of the house and kill them. This is a Mukonjo house where the Bakonjo come and hide, so that they can attack us at night. We want to burn it down." I told the accused to make his people sit down and he did so I told the Batooro to put down their weapons, but they were very reluctant to do so. A large number of them drifted away into the bush and with only one rifle there was not much I could do about it, so I kept talking to them until a party of Uganda Rifles came to the house after about ten minutes. I got the soldiers to disarm all the remaining men, who were then surrounded. I collected the weapons being carried by the men and I now produce them: 50 spears — put in and marked EX.1; 30 pangas—put in and marked EX.2; and finally 24 sharpened and unsharpened sticks, put in as EX.3. A total of 10 male Batooro were surrounded by my party and at once arrested for murder and demolishing property. Fifteen of the sixteen accused now in court were among the 70 men I arrested at the scene."¹¹

11 *Courts Case NO.813/64, Toro Court.*

Rwenzururu, as a political movement which erupted into an unprecedented mass loss of life represents and shows how long-standing grudge, hatred or conflict can easily be aroused into an impulsive eruption of emotional reactions in individuals, even in individuals acting in defence of the honour, prestige, status and position of the group to which they belong. This is altruism, first expressed by the Bamba and Bakonjo by their initial attack on Batooro to which the latter retaliated in the same manner. The Bamba and Bakonjo saw no way out of a situation, and defined it ultimately as necessitating the use of violence. It is in such situations as this one that violence is viewed, at least by the elite in the group, as the solution or at least as a way to the social goals and objectives. Definitely this violence brought some material good for the people who survived the onslaught by the Abatooro. There are now Abamba and Abakonjo chiefs in the Toro Local Administration; and other senior administrative and political offices are occupied by Bamba and Bakonjo people; something which is important if more than one group of people are going to live side by side and participate in the total affairs of their society.

It is unfortunate that court files have very little information regarding the Rwenzururu Movement. This is understandable in view of the fact that civil order and administration had virtually broken down and there were widespread murders along the mountains and in other areas that it was almost impossible to get most of the perpetrators of these atrocious crimes to court. Very often the felonius murders were committed during the night, or at distances away from accessible roads. The Abakonjo also had programmed strategies in which a few would start trouble, set fires on deserted houses, raise alarms in order to attract the attention of the field police and military operation personnel who would respond summoning their men to go to the area where trouble and fighting was reported to be going on; so that when this happened, the Abamba and Abakonjo would attack a different locality miles away.¹² Most of these cases that came to court had no proper entries and because of the difficulty of getting eyewitnesses or other material evidence, they were withdrawn at the request of the prosecution.

12 *Martin R. Doornbos, ibid.*

There are twenty cases which, in a course of five years, came up to the High Court. There are, I am sure, more than twenty, but only these were available at Fort Portal court archives. These twenty cases involved 110 offenders and 26 victims. Of the 110 alleged offenders, 91 were Abatooro, six were Abamba, six Abakonjo, one Acholi, one Teso, one Karamojong and four others whose tribal origins were not recorded. The three men, one from Acholi, Teso and Karamoja were Uganda Army regular soldiers who were on patrol in the mountainous area. The Army and Police, were often alleged to be participating in crimes of murder by siding with either of the disputing parties; usually with the Abatooro.

Although we do not have statistics, it is assumed that the Abamba and Abakonjo killed almost as many Abatooro as they themselves were killed by the Abatooro; but they were very often not arrested as were the Abatooro. This was due to the terrain of the country. After an attack on Abatooro family, the Abamba and Abakonjo just rushed up the mountain spur and would be out of reach unless they dared come down. On the other hand the Abatooro had nowhere to run to, and could only come back to their homes where they would be arrested sooner or later.

At the time of writing, 1972, the Abamba and Abakonjo have been promised separate districts, one for the Abamba with the headquarters at Bundibugyo, the other one for Abakonjo with its headquarters at Kasese. But a sizeable splinter group high up on the mountain appears not to have welcomed this change. They still insist on having their separated state of 'Rwenzururu kingdom' which was declared by the late king Isaya Mukirane. His son is the new king of Rwenzururu, Kibanzhangha, Charles Wesley Mumbere, a youth of about eighteen years of age.

CHAPTER 10

SUMMARY, CONCLUSION AND SUGGESTIONS FOR THE FUTURE

Violence in Uganda is on the increase, as is crime in general. Insecurity is the experience of the majority of the people; *Kondoism*, defined as an armed robbery or robbery with aggravation poses a special kind of problem; but little is known of this crime. The situation seems to be getting worse since the passing of the bill to hang thieves who rob with menace. Kampala, and Jinja are the two cities which are experiencing most frequent armed robberies but there are indications that this kind of crime is spreading out to more distant urban areas. Motorcar thefts are common; bank robberies are less frequent than they seem to be in Nairobi, Kenya. Homicide is the main problem; not only by robbers but by ill-wishers and envious, malicious individuals. Ours is a sick society and the remedy is not going to be easy. There are people who hire others to go and murder their neighbours, there are employees who conspire with robbers to rob company's monies. Social control is lost; social reconstruction must be embarked on with utter determination. In the preceeding chapters, I have tried to explain criminal homicide in this part of Africa with a view that interest may be generated whereby further researches into other kinds of crime problems may be done using more advanced and sophisticated methods of research and analysis. Mine has been a pioneer work in the field of violence and as such leaves much to be done.

The sources of my data were district and High Courts files. Files at Kabale, (Kigezi), Mbarara (Ankole) and Fort Portal (Toro) were analysed to yield the data for the study. In all, there are 484 criminal homicide cases; in which 501 persons were victims and 569 persons were alleged to be the offenders. Males accounted for 88.75% of all offenders as against 11.25% females. Males too contribute greatly as victims much more so than females. The sex combination in these homicides is that males kill males in the first instance; secondly males kill females; thirdly, females kill males; and

fourthly, females kill females. Males kill fellow males almost twenty five times as frequently as females kill fellow females. On the age of offenders the study reveals that offenders of criminal homicide have their highest rate between the ages of 25 and 29; and that people who are below 14 and above 69 years are least likely to be criminal homicide offenders although they may be easy victims of violent attacks.

The age of victims was not easy to determine because of absence of entries on Police and Court files; but from the few entries of age of victims that were made, it appears that the age group of 25-29 and 35-39 provide more victims than others and that victims, in most cases, appear to be at least six to ten years older than their slayers.

On weapons, we find that the three most common items, namely, the spear, the stick and the panga are the most frequently used weapons of inflicting death. This suggests that the less frequently held a weapon, the less it will figure in violent homicides. The absence of handgun is noteworthy; there were only four cases of gunshot. The study shows that in lieu of a weapon, the wouldbe murderer will inflict death to his victim by either throttling or by kicking or by combining these methods. One interesting association of weapons, sex and criminal homicide is the use of a spear. In the whole sample, there were 90 cases in which a spear was used but only in four cases was it used by a woman. This reflects cultural systems in which women are not allowed to handle spears either for protection or for status. Infanticide appears to be frequent in Kigezi, less frequent in Ankole, and almost unknown in Toro. The study shows that in killings which are a result of trivial and minor altercations, in case of provocation or and victim-precipitated slayings, the slayer will use whatever weapon that is handy. Therefore, the presence in abundance of killing instruments may precipitate homicides. A person who rushes from his house with a rifle and aims at a trespasser only to find that the gun is unloaded is most unlikely to kill his victim unless he reloads the gun. It was also found that many cases that would otherwise appear as aggravated assault become homicides because of prevailing social, economic, educational, and communication systems. This would presuppose that as the society makes some economic, educational and communicative progress,

other things being the same, the criminal homicide rate would tend to decline. It is in this respect that economic development appears to affect criminal statistics as does technology.

The study has shown that in most cases the people who get involved in a homicide episode are those who are related as members of the domestic group, friends, workmates or neighbours. That people who are unknown to each other, with the exception of cases in which homicide is accompanied by robbery, are unlikely to be involved in a homicide as offender and victim. In most cases, a homicide comes as a result of anger or as a consequence of prolonged disputes, hatred, jealousies and follows repeated quarrels especially among family members and neighbours. 66% of 501 victims were known to each other. Cultural factors too explain why certain kinds of relatives are killed while others are not. That homicides in general tend to involve people who are known to each other has been observed by several eminent criminologists such as Clinard, von Hentig, Wolfgang, and others. Within the domestic and nuclear family, wives are the most frequently killed, followed by brothers, then sons, husbands, and fathers; in that order. The most likely victim of a female slayer, is, her husband. Women, in most cases kill their husbands when the latter are in the habit of harassing and beating them for unspecified reasons over a long period of time. From this study, it appears that the high rate of polygyny in Kigezi has no effect on criminal homicide statistics but the institution of bridewealth seems to precipitate or to create situations in which criminal homicides are likely to take place. The trend in Kigezi seems to indicate that the more education a girl gets, the higher the bridewealth and *vice versa*. My students from Kenya tell me that this is the case among the Kikuyu of Central Kenya. The situation seems to be the other way round in Toro; the more education a girl has, the more likely that she will be given in marriage without payment of bridewealth. Ankole stands in between. The question of 'Motive' is a question of 'Causation' and this study does not pretend to have unearthed the 'Cause' of killing. The question of 'Cause' is not a problem in studies of this nature only but for the whole field of Sociology of deviant behaviour; some might as well say that it is a problem of human behaviour in general and not deviant

behaviour *per se*. Professor Clinard has aptly stated that “Deviant behaviour, is human behaviour”, and according to this view to explain deviant behaviour one has to explain human behaviour in general. This view, negates the theories which tend to view criminal and deviant behaviours as pathological. Some deviant behaviours are pathological but the bulk of them are not.

Most of the homicides occurred in beer party brawls in which either the offender, or the victim, or both were under the influence of alcohol. Motives are extremely difficult to determine from court files. To list ‘beer party brawl’ as a motive is not enough. The brawl may take place after some angry exchange of words maybe several hours, days, weeks or months before drinking. ‘Domestic altercation’ as ‘beer party brawl’ are given as motives by courts, but are best described as situations under which homicides occurred. Perhaps a much better method would be to interrogate the criminal homicide offenders themselves, that method may yield more information that could shed some light on this subject. The problem is that ‘motive’ is not necessary in criminal law, and little or no effort is shown by courts to elucidate the ‘motive’ in a criminal homicide. The police are concerned with “who might have done the murder” while the courts are more concerned with “if he did it, was there *mens rea*’ but the underlying motive is given less emphasis and consideration.

The question of ‘cause’, therefore, is a question of human existence. Clinard has pointed out that criminal homicide, like assault, is an outgrowth of personal disputes and alterations some of which are immediate and others long-standing in nature. But why disputes, and why should there be altercations between men? I think that disputes and altercations, envy and hatred, jealousy and greed are part and parcel of human existence. They are interactional processes as loving, greeting, marrying, visiting, and the general human interaction except that some homicides may be indications of mental aberrations, but these too are human traits though defective ones. There are, however, clear motives such as when the victim is a robber or an adulterous wife. According to the motive designations adopted in this study, beer party brawl had the highest victims; then domestic altercations, then provocation and so forth. Provocation is a very interesting subject which is dependent on sub-cultural

systems; and also on the social status of the provoked. Provocation and victimology, in some situations, appear to be the same, but there are cases in which the offender is urged to kill by his victim; this is what Wolfgang has called victim-precipitated criminal homicides. Mentally disturbed people are often responsible for inflicting harm and death to others; these cases are understandable provided the people know the usual state of mind of the offender. But in a society where there is scarcity of Psychiatric Specialisation, it becomes very difficult to distinguish between mentally disordered persons and others.

Alcohol appeared in about 37% of cases. This lower rate was, in my view, due to lack of tests immediately after crime is committed. Alcohol is almost present in most cases of provocation, and domestic altercation as mentioned earlier, and therefore it plays a greater role than indicated by my figures. But due to delays, in distances, lack of facilities and so forth, only a few cases seem to have been recorded.

The institutionalised methods of drinking appears to be related to the crime situation; the more institutionalised, the less the participants appear to be involved in violence. Kigezi gives us a good example of institutionalised drinking and Toro gives the opposite situation. It would be fruitful to find out how much alcoholic drinks are consumed over a given time and their relationship to crime in general; so that we can state that the more the people drink, the more crimes they are likely to commit, and *vice versa*. Drinking appears to be heavier in Toro (59%) than it is in Kigezi (42%) and Ankole (38%). More needs to be done in this field.

The study revealed no meaningful temporal patterns related to the crimes of homicide. June appears to have the highest number of cases, 38, and February showed the lowest of 20 cases, but not much information of correlations could be discerned. The data do not show associations of violent murders with part of the year, month, date or day of the week. Where these have been noticed, they may be related to business circles, working conditions and so on. For example, in Kigezi where sorghum from which the Abakiga make their beer is a seasonal crop, and it is at the end of harvest of this crop that there will be found to be plenty of brewing and therefore of drinking. In such cases, if there are homicide cases related to drinking

these will be during the period following harvest and in such a case the relationship is not with the month of the year but with the crop; for sowing always follows rains, if the rains are delayed, sowing will delay and eventually harvesting will delay and brewing and drinking will appear to shift from one month to another.

But it appears that violent murders will tend to occur over weekends and public holidays, which are, unfortunately, becoming many in urban and semi-urban working places. End of months too, when many working men have cash and can afford to drink more will continue to show more frequent murders. But because the working class is a very small part of our society, this does not appear to be noticeable, but will become so as more and more people take on some paid employment.

On the topic of the apprehension of criminal homicide offenders; the data show that the police's role in these cases is not crucial; but the village chief is. The police, in most cases, arrive at the scene of the crime several hours, sometimes a day or two when the offender has already either been arrested by the village chief with the assistance of the villagers, *Abataka*; or has reported himself to the police. It is in very few cases that the police get involved in detection and apprehension of criminal homicide in these rural areas. But the police play a major role in the determination of whether to prosecute or not to prosecute. The police discretion is extremely critical. It is for this reason that I have, elsewhere, suggested that the men and women who are delegated this great responsibility of detecting and recording the events relating to serious crimes must be the best the police department can spare. They would be best fitted if they were legally qualified and trained in detection techniques. Efficiency, competency, sincerity and incorruptibility cannot be overstressed as major attributes of efficient police corps.

Of the 569 alleged offenders who appeared before the court, nearly one quarter of them were found not guilty and were discharged or acquitted by courts. This shows us one important thing and this is that sometimes those who are arrested may not be the perpetrators of these crimes. But being found not guilty does not mean that the person so found did not do the killing; it is very

often due to the legal technicalities that some get discharged, even when it is evident that the accused did commit the offence. The efficiency of the legal system is difficult to determine. It cannot be based on higher or lower rates of 'convictions' or acquittals. A very corrupt judiciary could do both convictions and acquittals. Delays in police and courts were frequently sources of inefficiency and it appears that these delays may, in some cases, result in the miscarriage of criminal justice. Uganda courts like imprisonment very much; over 50% of offenders were sent to prison, and only about 3% got suspended sentence or probation. The prison is the most frequently used sanction against criminals in this country. Capital punishment, unfortunately is commoner than one would have wished. Of all things we have imitated and imported from Europe into Africa, including the legal systems, imprisonment and capital punishment; we have not imitated and imported the abolition of capital punishment. Some lawyers and law students have told me that "It is still too early to abolish capital punishment." This kind of reasoning appears to be unique in this particular kind of situation. Where the general trend has been that "As it is done in Europe, so it should be in Africa" seems not to apply in penal reforms. Europe is moving towards the reform of the correctional institutions, in Africa prisons are being expanded. Prison labour in Europe, is regarded as necessary for physical fitness and for instilling necessary skills that the inmate may need on his release, but in Africa, it is regarded as a fundraising undertaking for the state. In Europe the aim is to keep institutions small, in Sweden the average is less than 100, in some prisons there are as few as 40 inmates; in Africa the aim appears to build larger, one-sex, isolated prisons.

In Europe, the bulk of all convicted prisoners are fined, put on probation or parolled; in Africa, only very few are given these alternatives. And above all, most European nations have abolished the death penalty and in Africa, more crimes are being added to the list of crimes punishable by death. We seem to be reluctant and even resistant to adopt and imitate modern, humanistic and positive developments; when in fact we imitate and adopt some behaviours and programmes that may not necessarily be to our advantage. The only country in the whole of Black Africa that has closed its prisons

is Zanzibar, the small island that joined Tanganyika on 26 April 1964 to form the United Republic of Tanzania. But progressive as this step may seem to appear, Zanzibar has not abolished the death penalty. In fact the *Sunday Nation* newspaper has reported that (10 December 1972) a decision to execute persons convicted in the April assassination of Tanzanian's first Vice-President Sheikh Abeid Karume in public has been passed unanimously by the fifth Afro-Shirazi Party Congress at Pemba. The paper says that there are over 100 persons being held in connection with this assassination. The question of the treatment of prisoners in prison, of course, is not raised; and this is one of the greatest problems we have in Africa. We know almost nothing about the treatment of offenders; but imprisonment is our most frequent choice of punishing offenders.

SUGGESTIONS FOR RESEARCH

1. In the large field of development; Social Defence has almost been ignored or at best given lip service. The concept of 'Separation of Powers' appears to be applied in relation to bureaucratic and administrative structures. We need to know how much cross interference there is in the field of criminal justice. What are the legal functions of the administrative personnel all the way from district officers to the village chiefs?
2. The role of village chiefs in dispute settlement is not clearly outlined. But any one of the African people who has lived part of his life in the villages knows how much a village chief gets involved not only in violent crimes but in property crimes and also in domestic and marital disputes. Some people advise that these chiefs should be given some powers of arbitration.
3. We hardly know how much hidden crime there is in the country. What is the role of lineage, clan, and village elders in dispute settlement? What we know is that not all or even not fifty percent of crimes committed go to courts. So how are the rest resolved? Should these private tribunals be given some official recognition in the legal systems of our societies; especially in handling domestic accusations and quarrels?
4. We hardly know what happens in villages when litigants return from courts; when one is fined, or when the guilty is sent to prison. What do the people think; are they satisfied with the type of settlement reached in which their own esteemed elders are

not allowed to participate; or are they silent because this is the way the white man has decided; could there be some meaningful alternatives to the process of dispute settlement without leaving bitterness to result in enmity and mutual hostility?

5. There are cases that bring dispute and shame to those who are involved such as those of a sexual nature. It appears that only a few of those come to courts. But we know nothing of how the rest are resolved. How are unofficial courts constituted?
6. Restitution, which was the mode of repairing social, physical and economic damage in most of East Africa, has been largely replaced by imprisonment. Has this change been accepted or has it been forced on a people who have no alternative but to accept what is given to them? Are there any possibilities of making compensation the alternative to imprisonment?
7. The life in an East African prison is known to the inmates, and even prison guards and their wardens appear to be unaware of what goes on there. What goes on in prison? Can conditions in prison be improved? Is there a possibility of opening prisons? What are the views of inmates about (1) society, (2) prison system, (3) the prison staff, (4) fellow prisoners, (5) and, above all, their self-concepts? How do prison staff view inmates, (1) as people who deserve help and assistance? (2) as people who deserve inhuman treatment? (3) as a group of evil men and women who should be left alone? How about the self-image of the prison staff? The most important is society's attitude towards ex-convicts. I have been arguing for sometime that imprisonment as a deterrent appears to work if only a few persons have been to prison, but when the numbers are large, a prison begins to be viewed as a place where one has to go once or twice in a lifetime, and in this way imprisonment stops to act as a deterrent.
8. Crime in general. Urban versus rural crime rates; urban and peri-urban, crimes of violence and crimes against property; crimes of moral nature and crimes against public safety; crimes related to professions; all those need to be looked into. How do different social strata relate to crime; are there conditions favouring members of certain classes, tribes or groups to be involved more in certain kinds of crimes than in others?

9. *Kondo* is a menace in Uganda. It would pay to know if there are crime syndicates, clubs or unions. From a few cases that have come up in the press, such as the Kabale bank-hold up it appears that there is some kind of organization. These *kondo* organizations appear to lack centralization, at least not of the *Mafia* type of organized crime. Who are the *Kondo*? How does an individual develop *kondo* attitudes, i.e. how are people recruited into the criminal habit; are *kondos* full-time criminals or they are occasional offenders? Who are the likely victims of *kondo* attacks? Which group of people tend to be *kondo* by background? What are the contributing factors to *kondoism*?
10. How has the breakdown of cultural values and African social structure in which group-oriented rather than self-oriented values were stressed helped the spread of criminal behaviour?
11. How have the processes of modernization, urbanization, and industrialization affected the traditional dynamics of social control and the inculcation of normative behaviour through the processes of socialization?
12. Are the measures being taken adequate, are they the best alternatives? What can be done?

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Appendix I
HOMICIDE IN ANKOLE

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
1.											
2.											
3.											
4.											
5.											
6.											
7.											
8.											
9.											
10.											
11.											
12.	M	Nkore	60	M	Nkore	Ad	Friends	Yes	Spear	Msl. 3 yrs	Provocation
13.	M	Kiga	40	M	Kiga	Ad	Uncle	Yes	Stick	Msl. 4 yrs	Beer party brawl
14.	M	Nkore	25	M	Nkore	40	Un	—	Stick	Not Guilty	Acquitted—Un

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No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
15.	M	Kiga	35	M	Kiga	20	Un	—	Spear	Msl. 10 yrs	Land
16.	M	Rwa	23	M	Rwa	25	Un	—	Un	Msl. 2½ yrs	Un
17.	M	Nkore	44	F	Nkore	45	Neighb	—	Stick	Msl. 4 yrs	Quarrel
18.	M	Nkore	20	M	Nkore	Ad	Neighb	Yes	Stone	Msl. 18 mths	Quarrel
19.	M	Nkore	35	F	Nkore	55	Mother	—	Beating	Msl. 1 Day	No clear motive
20.	M	Nkore	33	M	Nkore	Ad	Un	—	Stone	Msl. Till Rise of Court	Quarrel over fighting dogs
21.	M	Nkore	43	F	Nkore	Ad	Un	Yes	Un	Not Gilty: Acqtd	Drinking brawl
22.	M	Nkore	22	F	Nkore	Ad	Mother	Yes	Piece of wood	Msl. 7 yrs	She cooked potatoes instead of millet

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No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
23.	M	Nkore	35	M	Nkore	Ad	Brother	Yes	Panga	Murder: Death	Deceased accused of poisoning Accused
24.	F	Nkore	23	F	Nkore	Ad	Sister-in-law	—	Stone	Msl. 3 yrs	Accused alleged Deceased killed her baby
25.	M	Nkore	40	F	Nkore	Ad	Wife	—	Un	Murder but insane	Insanity
26.	M	Nkore	22	M	Nkore	22	Un	Yes	Stick	Msl. 3 yrs	Drunken brawl
27.	M	Nkore	22	M	Nkore	40	Neighb	—	Spear	Msl. 18 mths	Land dispute (grudge)
28.	M	Nkore	33	M	Nkore	Ad	Father-in-law	Yes	Panga	Panga: Death	Dispute over brideprice
29.	F	Nkore	18	M	Nkore	Ad	Un	—	Un	Not Gilty: Accqt	Un
30.	M	Kakwa	34	M	Nkore	Ad	Un	—	Stick	Not Gilty: Acqtd	Un

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No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
31.	M	Nkore	26	M	Nkore	Ad	Neigh	Yes	Wooden	Msl 7 yrs	??
32.	??										
33.	M	Nkore	30	M	Nkore	30	Brother	Yes	Hoe	Msl. 5 yrs	Dispute over brideprice
34.	M	Kiga	45	F	Kiga	40	Wife	—	Panga	Msl. 5 yrs	Domestic Quarrel
35.	M	Nkore	26	M	Nkore	40	Father-in-law	Yes	Stone	Msl. 7 yrs	Dispute over brideprice
36.	M	Nkore	30	M	Nkore	25	Un	Yes	Un	Msl. 3 yrs	Deceased was a thief
37.	M	Nkore	39	F	Nkore	25	Wife	Yes	Spoon	Msl. 6 months	Deceased refused to serve food to Accused
38.	F	Nkore	18	M	Nkore	Ad	Un	—	Un	Not Glty	Un
39.	F	Nkore	40	M	Nkore	Ad	Husband	Yes	Hoe	Msl. 6 mths	Drink and fighting

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No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
40.	M	Toro	28	M	Toro	1 yr	Son	Yes	Beating	Msl. 9 yrs	Accused was drunk
41.	M	Kiga	34	M	Kiga	30	Neighb	Yes	Stick	Msl. 4 yrs	Drunken quarrel
42.	M	Ganda	24	M	Nkore	43	Neighb	Yes	Kicking	Msl 18 mths	Accused fought wife—Dec. interfered
43.	F	Nkore	23	M	Nkore	50	Her Porter	—	Un	Not Gilty: Acqtd	No record
44.	M	Nkore	35	M	Nkore	30	Neighb	—	Tree stump	Msl. 9 mths	Quarrel over beer
45.	M	Nkore	22	M	Nkore	Ad	Un	—	Un	Not Gilty: Acqtd	No record
46.	F	Nkore	30	M	Nkore	Ad	Father	—	Hoe	Msl. 4 yrs	Quarrel
47.	M	UN	Ad	F	Rwa	55	Un	—	Un	Not Gilty: Acqtd	A robbery raid
48.	M	Nkore	35	M	Nkore	Ad	Brother-in-law	—	Un	Msl. 18 mths	Accused wanted his wife back

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No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
49.	M	Nkore	22	M	Nkore	40	Friend	—	Spear	Msl. 18 mths	Fight over debt
50.	M	Rwa	45	M	Nkore	35	UN	—	Spear	Not Glty: Acqtd	Deceased was stealing goats
51.	F	Nkore	33	M	Nkore	35	Neighb	—	Stick	Msl. 1 yr	X-mas quarrel
52.	M	Nkore	28	M	Nkore	Ad	Un	Yes	Bottle	Msl. 18 mths	Deceased spectator at a fight
53.	M	Nkore	40	M	Nkore	60	Uncle	—	Beating	Not Glty: Acqtd	No record
54.	M	Acholi	45	F	Acholi	35	Neighb	Yes	Stick	Msl. 3 yrs	Drinking and quarrelling
55.	F	Nkore	21	F	Nkore	30	Un	—	Choking	Msl. 3 yrs	Deceased entered Acc's house at night
56.	M	Nkore	20	M	Nkore	Ad	Father	—	Spear	Msl. 2 yrs	Deceased wanted to take Acc.'s wife

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No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
57.	M	Nkore	30	M	Nkore	Ad	Cousin	Yes	Stick	Msl. 12 mths	Drink, Quarrel, fight
58.	M	Kiga	24	M	Un	Ad	Un	—	Un	Not Gtly: Acqtd	Un
59.	M	Nkore	35	M	Un	Ad	Un	Yes	Spear	Msl. 18 mths	Drink, quarrel
60.	M	Kiga	37	M	Kiga	Ad	Un	Yes	PenKnife	Msl. 5 yrs	Drink, quarrel, fight
61.	M	Kumam	40	M	Un	Ad	Co-soldiers	Yes	Stick	Msl. 2 yrs	(Suspended sentence)
62.	M	Nkore	65	F	Nkore	50	Wife	—	Strangulation	Murder: Death	Deceased had deserted Accused
63.	M	Nkore	52	F	Nkore	28	Wife	—	Spear	Murder but insane	Insanity
64.	F	Rwa	20	M	Rwa	Adl	Husband	—	Un	Murder: Death	Quarrel over food

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No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
65.	M	UN	45	M	Un	55	Un	—	Panga	Murder but insane	Insanity
				M	Un	Adl	Un		Panga	Murder	(Lunatic killed 2 men)
66.	M	Nkore	37	M	Un	Un	Un	—	Un	Murder: Death	No record
67.	M	Nkore	40	M	Nkore	Adl	Neighb	Yes	Ant-hill	Msl. 2 yrs	Deceased boasted of riches
68.	M	Acholi	36	M	Nkore	Adl	Un	—	Un	Murder: Death	A quarrel
69.	M	Nkore	24	M	Nkore	38	Neighb	Yes	Kicking	Msl. 6 mths	Beer quarrel
70.	M	Nkore	19	M	Nkore	45	Un	—	Un	Not guilty Acqtd	Un
71.	M	Nkore	Adl	F	Nkore	Baby	Neighb	—	Poison	Not guilty Acqtd	Motive not clear

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No.	ACCUSED		VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age				
72.	M	Nkore	29	M	Nkore	Adl	—	Spear	Not guilty Acqtd	Mistaken for animal
73.	M	Nkore	34	M	Nkore	34	—	Spear	Msl. 18 mths	Deceased caught in <i>Flagrante delicto</i>
74.	F	Nkore	25	M	Nkore	50	Yes	Hoe	Msl. 18 months	He beat her first
75.	M	Nkore	40	F	Nkore	Adl	—	Panga	Murder: Death	Accused's wife left to marry Dec's brother
76.	M	Nkore	45	F	Nkore	25	—	Poison	Murder: Death	Deceased had sexual jealousy
77.	M	Kiga	29	M	Rwa	35	—	Strangulation	Murder: Death	Accused killed his 2 porters to save their wages
				M	Rwa	15		-do-		

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No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
78.	M	Nkore	45	M	Nkore	20	Affine	Yes	Spear	Msl. 8 years	Drink, Quarrel and fight
79.	M	Nkore	18	M	Nkore	40	Neighb	Yes	Stone	Bound over Msl. 12 months	Drinking
80.	M	Nkore	29	F	Nkore	25	Wife	—	Spear	Murder: Death	Dispute over brideprice
81.	M	Nkore	35	M	Nkore	30	Neighb	—	Spear	Msl. 2½ years	Deceased found in Accused's bedroom
82.	M	Nkore	50	F	Nkore	Adl	Neighb	—	Arson	Not guilty Acqtd	Un
83.	M	Nkore	25	M	Nkore	30	Neighb	Yes	Spear	Msl. 7 years	Beer, quarrel and fight
84.	M	Nkore	35	M	Nkore	One year	Son	Yes	Un	Msl. 3 years	Accused was drunk

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No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
85.	M	Nkore	25	M	Nkore	25	Neigh	Yes	Un	Msl. 2 years	Beer party fighting
86.	M	Rwa	22	M	Rwa	60	Neigh	Yes	Stick	Msl. 1 year	Beer quarrel
87.	M	Nkore	25	M	Nkore	45	Neigh	Yes	Stone	Msl. 18 mths	Drunken brawl
88.	M	Nkore	28	M	Nkore	25	Brother	—	Spear	Msl. 2 years	Deceased was a thief
89.	M	Nkore	22	M	Nkore	35	Brother	—	Panga	Msl. 3 years	Deceased beat mother, Accused intervened
90.	M	Nkore	28	M	Nkore	22	Brother	Yes	Un	Msl. 18 months	Un
91	M	Rwa	37	M	Rwa	Adl	Un	Yes	Piece of wood	Murder: Death	Accused robbed Shs. 250/- from Deceased
92.	M	Nkore	17	M	Nkore	21	Un	Yes	Bottle	Msl. Probation	Fight in bar

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No.	ACCUSED		VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age				
93.	M	Nkore	23	M	Nkore	Adl	—	Stone	Msl. 12 months Bound	Fight
94.	M	Rwa	35	M	Rwa	4 mths 3 yrs	—	Strangulation -do-	Not guilty: Acqtd	No evidence
95.	F	Nkore	35	M	Nkore	18	—	Spear	Not guilty: Acqtd	Justifiable homicide
96.	M	Nkore	30	M	Nkore	32	—	Stick	Msl. 18 months	Deceased stole Radio
97.	M	Nkore	65	M	Nkore	Adl	—	Stick	Msl. 3 years	Deceased stole Accused's Shs. 20/-
98.	M	Nkore	65	F	Nkore	30	Yes	Spear	Msl. 6 years	Marital quarrel
99.	F	Nkore	Adl	M	Nkore	Two years	—	Spear	Murder	Accused lunatic

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No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
100.	M	Nkore	30	M	Nkore	12	Neighb	—	Panga	Murder: Death	Accused was hunting his wife
101.	M	Rwa	40	M	Rwa	Adl	Brother	Yes	Spear	Msl. 4 years	Quarrel over wife
102.	M	Toro	26	M	Un	35	Neighb	Yes	Knife	Msl. 6 years	Dispute over money
103.	M	Nkore	38	M	Nkore	30	Neighb	Yes	Push	Msl. 1 day imprisonment	Beer party brawl
104.	M	Nkore	35	F	Nkore	Adl	Sister-in-law	Yes	Panga	Murder	Insanity
105.	M	Nkore	19	M	Nkore	30	Un	Yes	Knife	Msl. 7 years	Drunken brawl
106.	M	Rwa	Adl	F	Rwa	25	Neighb	Yes	Stick	Not guilty Acqtd	No evidence
107.	M	Nkore	30	M	Nkore	Adl	Neighb	Yes	Panga	Msl. 8 years	Drunken brawl
108.	M	Nkore	42	M	Nkore	30	Friend	Yes	Knife	Murder	Diminished Responsibility

Appendix I
HOMICIDE IN ANKOLE

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
109.	M	Kiga	40	F	Kiga	Adl	Wife	—	Strangulation	Msl. 6 years	Deceased taunted Accused's impotency
110.	M	Rwa	17	M	Koki	Adl	Employer	—	Arson	Not guilty Acqtd	Accused had Epilepsy
111.	M	Nkore	15	F	Nkore	40	Neighb	Yes	Panga	Murder: Detained	Grudge about property
112.	M	Nkore	21	M	UN	48	Neighb	—	Panga	Murder: Death	Accused was a thief
113.	M	Nkore	18	M	Nkore	30	Neighb	Yes	Spear	Msl. 7 years	Dispute over UPC and DP
114.	M	Nkore	65	M	Nkore	20	Son	Yes	Panga	Msl. 5 years	Deceased was drunk and troublesome

Appendix I
HOMICIDE IN ANKOLE

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
115.	M	Kiga	30	M	Un	Adl	Neighb	—	Un	Murder: Death	Deceased had eloped with wife of Accused
116.	M	Kiga	43	F	Swahili	12	Un	—	Insulin Injection	Not guilty: Acqtd	No evidence (Deceased Fa & Da)
117.	M	Nkore	30	M	Nkore	Adl	Brother	—	Spear	Msl. 10 years	Wife found having sexual intercourse with Accused. Father, brother intervened
118.	M	Nkore	17	M	Nkore	Adl	Un	—	Stone	Msl. Reform School	Accused Delinquent

Appendix I
HOMICIDE IN ANKOLE

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
119.	M	Nkore	28	M	Nkore	Adl	Un	—	Gunshot	Not guilty: Acqtd	No evidence
120.	M	Nkore	30	M	Nkore	Adl	Un	—	Gunshot		
121.	M	Nkore	25	M	Nkore	30	Neighb	Yes	Panga	Murder: Death	Accused revenged murder of his brother
121.	F	Nkore	21	F	Nkore	2 1/2 years	Step-daughter	—	Falling down	Not guilty: Acqtd	Co-wives fighting
122.	M	Rwa	13	M	Rwa	13	Un	—	Stone	Msl. 1 Day imprisonment	Children fighting
123.	F	Nkore	22	M	Nkore	22	Husband	—	Spear	Not guilty: Acqtd	Domestic quarrel
124.	M	Nkore	40	M	Nkore	Adl	Un	—	Stick	Msl. 5 years	Deceased was a thief

Appendix I
HOMICIDE IN ANKOLE

No.	ACCUSED		VICTIM		Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age			
125.	F	Nkore	40	M	Nkore	Chld	—	Arson	Not guilty: Acqtd Grudge not clear

Appendix II
HOMICIDE IN KIGEZI

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
1.	M	Kiga	33	F	Kiga	7 mths	Daughter	Yes	File	Msl. 5 years	Domestic altercation. The file was intended to hit wife
2.	F	Kiga	95	F	Kiga	Adl	Daughter-in-law	No	Iron bar	Msl.	Accused alleged of stealing fire-wood
3.	M	Kiga	30	F	Kiga	27	Wife	Yes	Spear	Msl. 3 years	Deceased was attacking house of co-wife
4.	M	Kiga	28	F	Kiga	60	Mother	Yes	Stamping	Msl. 5 years	Accused wanted sex with sister-in-law, mother intervened, killed
5.	M	Rwa	30	M	Rwa	12	—	No	Panga	Acc. committed suicide in prison	Accused had pleaded insanity

Appendix II
HOMICIDE IN KIGEZI

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
6.	M	Kiga	30	M	Kiga	3 mths	Son	Un	Arson	Msl. 4 years	Accused quarrelled with wife and set house on fire
7.	M	Kiga	22	F	Kiga	Adl	Wife	—	Drowning	Msl. 2 years	Domestic squabbles
8.	M	Kiga	45	M	Kiga	Adl	Neighb	Yes	Un	Msl. 3 months	Quarrel over drink
9.	F	Hororo	24	M	Hororo	Adl	Husband	No	Handle of hoe	Msl. 6 months	Domestic quarrel
10.	M	Rwa	24	M	Rwa	Adl	Neighb	—	Kick	Msl. 1 Day imprisonment	Provocation
11.	M	Kiga	24	M	?	Adl	Un	Yes	Piece of wood	Msl. 6 years	Drink and quarrel
12.	M	Kiga	21	M	?	Adl	?	No	Fist blow	Acquitted	Grave provocation

Appendix II
HOMICIDE IN KIGEZI

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
13.	M	Kiga	Adl	M	Kiga	Adl	Son	No	Spear	Msl. Bound over	Provocation, Intervening
14.	M	Kiga	60	M	?	Adl	Un	No	Spear	Msl. Bound over	Provocation
15.	M	Kiga	27	M	Rwa	17	Step-Brother	Yes	Panga	Msl. 7 years	Drinking and quarrel
16.	M	Rwa	45	M	Rwa	Adl	Father	—	UN	Insane	No Record
17.	M	Rwa	21	M	Rwa	18	Friend	Yes	Wood	Msl. 5 years	Quarrel over beer
18.	M	Kiga	20	M	Kiga	60	Related	Yes	Kicking	Acquitted	Were drinking
19.	F	Kiga	16	Un	Un	Un	Her baby	—	UN	Infanticide	Given 1 year probation
20	F	Kiga	30	Un	Un	Child	UN	—	UN	Criminal Lunatic	Offender Insane
21.	M	Kiga	34	M	Kiga	Adl	Neighb	Yes	Spear	Murder: Death	Not clear

Appendix II
HOMICIDE IN KIGEZI

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
22.	M	Kiga	25	F	Kiga	60	Mother	No	Sickle	Murder: Death	Land dispute
23.	M	Rwa	40	M	Rwa	Adl	Neighb	Yes	Stick	Msl. 18 months	Provocation
24.	M	Kiga	50	M	Kiga	15	Nephew	No	Gun	Msl. 3 months	Deceased was breaking into Accused's house
25.	M	Kiga	44	F	Kiga	8	Daughter	Yes	Stick	Msl. 12 months	Child broke calabash
26.	F	Kiga	25	F	Kiga	50	Mother-in-law	No	Stick	Msl. 3 years	Accused mistook Mother-in-law for husband after a fight
27.	M	Kiga	18	M	Kiga	55	Father	No	Panga	Msl. 3 years	Deceased refused to give bride-wealth

Appendix II
HOMICIDE IN KIGEZI

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
28.	F	Kiga	19	Un	Un	Un	Her child	—	Un	Msl. 12 months	Concealing the birth of child; Infanticide
29.	M	Rwa	Adl	M	Rwa	Adl	Neighb	No	Spear	Msl. 3 years	Deceased was mistaken for an animal
30.	F	Kiga	20	Un	Un	Un	Her child	—	Un	Msl. 9 months	Infanticide
31.	M	Rwa	21	M	Rwa	18	Acquaintance	Yes	Stick	Msl. 5 years	Quarrel while drinking
32.	M	Kiga	21	M	Kiga	60	Father	No	Stick	Msl. 3 years	Family dispute
33.	F	Rwa	19	M	Un	One	Son	No	Un	Discharged	Threw baby in latrine
34.	F	Nkore	25	M	—	One day	Son	No	—	Msl. 12 months	Husband was in jail, became pregnant

Appendix II
HOMICIDE IN KIGEZI

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
35.	M	Kiga		M	Kiga	Two years	Son	No	Strangling	Murder: Death	Did not like child: Denied paternity
36.	M	Kiga		F	Kiga	20	Wife	Yes	Spear	Msl. 6 years	Deceased caught committing adultery
37.	M	Kiga		F	Kiga	Adl	Step-mother	Yes	Sickle	Criminal Lunatic	Psychosis
38.	M	Kiga		M	Kiga	30	Neighb	Yes	Stick	Msl. 18 months	Quarrel over money at beer party
39.	F	Kiga		F	Kiga	3	Niece	No	Sickle	Criminal Lunatic	Schizophrenia
40.	F	Kiga		M	Kiga	60	Husband	No	Knife	Msl. 6 months	Deceased was expelling Accused because of age

Appendix II
HOMICIDE IN KIGEZI

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
41.	M	Kiga	20	M	Kiga	30	Acquaintance	Yes	Stick	Msl. 3 years	Deceased abused accused—provocation
42.	F	Kiga	20	F	Kiga	Adl	Cellmate	No	Strangulation	Both lunatics	Two lunatics were in same cell
43.	M	Kiga	32	M	Kiga	7	Son	Yes	Beating	Msl. 2 years	Son was being punished
44.	M	Kiga	15	M	Kiga	28	Clan Brother	Yes	Stick	Msl. 2 years	Not clear
45.	M	Rwa	27	M	Rwa	32	Brother	No	Panga	Msl. 2 years	Land dispute
46.	F	Kiga	35	M	Un	Adl	No record	Yes	Stick	Msl. 9 months	No record
47.	M	Kiga	30	F	Kiga	Adl	Mother	—	Un	Msl. 3 years	Land dispute
48.	M	Kiga	25	M	Kiga	50	Acquaintance	Yes	Knife	Msl. 7 years	Were drinking illicit Waragi

Appendix II
HOMICIDE IN KIGEZI

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
49.	M	Kiga	31	M	Kiga	9 mths	Son	Yes	Panga	Msl. 2½ years	Accused intended to cut another person
50.	M	Rwa	28	F	Rwa	60	Step-Mother	Yes	Axe	Msl. 6 months	Quarrel during funeral of Accused's father
51.	M	Kiga	38	F	Kiga	Adl	Mother-in-law	No	Hoe	Murder: Death	Quarrel over return of bridewealth — do—
52.	M	Rwa	48	M	Rwa	50	Clan Brother	No	Sickle	Msl. 3 years	Deceased disclosed Acc.'s previous murder case
53.	F	Kiga	28	M	Kiga	50	Husband	Yes	Stick	Msl. Bound over 12 months	Acc. had refused sexual union

Appendix II
HOMICIDE IN KIGEZI

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
54.	M	Kiga	29	F	Kiga	Adl	Step-Mother	No	Knife	Murder: Death	Domestic quarrel
55.	M	Kiga	32	M	Kiga	32	Acquaintance	Yes	Stick	Msl. 3 years	Quarrel while drinking
56.	M	Kiga	50	M	Kiga	27	Son	No	Stick	Msl. 2 years	Accused was beating wife, Deceased intervened
57.	M	Kiga	45	M	Kiga	60	Neigh	No	Spear	Murder: Death	Accused alleged Deceased was a thief
58.	M	Hororo	56	F	Hororo	55	Wife	Yes	Strangulation	Msl. 5 years	Deceased was found at a beer party
59.	M	Kiga	40	M	Un	Adl	Neigh	No	Spear	Msl. 9 months	Deceased and others were stealing

Appendix II
HOMICIDE IN KIGEZI

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
60.	M	Kiga	45	F	Kiga	35	Wife	No	Spear	Criminal Lunatic	Schizophrenia
61.	M	Kiga	44	M	Kiga	36	Acquaintance	Yes	Hammer	Msl. 6 months	Quarrel after drinking
62.	M	Hororo	27	M	Hororo	50	Father	No	Spear	Murder; Death	Accused insulted deceased
63.	M	Kiga	40	F	Kiga	35	Related	Yes	Knife	Msl. 4 years	Deceased intervened in a quarrel
64.	M	Kiga	32	M	Kiga	45	Acquaintance	Yes	Hammer	Msl. 7 years	Quarrel over beer
65.	M	Kiga	17	M	Kiga	21	Acquaintance	Yes	Stick	Msl 12 months Bound over	Quarrel when drinking
66.	M	Kiga	24	F	Kiga	60	Step-Mother	—	Un	Acquitted	Quarrel over food

Appendix II
HOMICIDE IN KIGEZI

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
67.	M	Kiga	20	M	Kiga	Adl	Father	No	Knife	Murder: Death	Accused Deceased of witchcraft
68.	M	Hororo	35	M	Hororo	Adl	Friend	Yes	Panga	Acquitted	Quarrel after drinking
69.	M	Kiga	20	M	Kiga	Adl	Friend	Yes	Stone	Msl. 3 years	Quarrel over beer
70.	F	Hororo	25	F	Hororo	F	Co-wife	Yes	Kick	Msl. 9 months	Quarrel while drunk
71.	M	Kiga	26	M	Kiga	30	Neighb	Yes	Spear	Msl. 5 years	Grave and sudden provocation
72.	M	Kiga	35	M	Kiga	60	Father	Yes	Hoe	Msl. 10 years	Accused was drunk
73.	M	Rwa	32	M	Kiga	1½ years	Stranger	Yes	Stone	Msl. 6 years	Accused was drunk throwing stones

Appendix II
HOMICIDE IN KIGEZI

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
74.	F	Hororo	30	F	Kiga	Adl	Neighb	Yes	Panga	Msl. 12 months	Deceased attended beer party uninvited
75.	M	Kiga	20	M	Kiga	Adl	No record	—	Un	Msl. 6 months	No record
76.	F	Kiga	20	Un	Un	Un	Un	—	Un	Msl. 9 months	No record
77.	F	Kiga	18	Un	Un	Un	Un	—	Un	No record	Infanticide
78.	F	Kiga	20	Un	Un	Un	Un	—	Un	No record	Infanticide
79.	M	Rwa	60	M	Rwa	5	Neighb	No	Spear	Criminal Lunatic	Schizophrenia (Both deceased brothers)
				M	Rwa	2½					
80.	M	Kiga	55	M	Kiga	18	Son	Yes	Spear	Murder: Death	Quarrel in beer party
81.	F	Kiga	18	Un	Un	Un	Her child	—	Un	No record	Infanticide

Appendix II
HOMICIDE IN KIGEZI

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
82.	F	Kiga	21	M	Rwa	31	Stranger	No	Beating	Acquitted	Deceased wanted to force Accused to have coitus
83.	M	Rwa	28	M	Rwa	23	Half Brother	No	Choking	No records	Land dispute
84.	F	Kiga	18	Un	Un	Un	Her child	—	Un	No records	Infanticide
85.	M	Rwa	45	M	Rwa	Adl	Father	No	Stick	Criminal Lunatic	Schizophrenia
86.	M	Kiga	11	M	Kiga	13	Neighb	No	Stone	<i>Nolle prosequi</i>	Boy stoned another while herding cattle
87.	M	Kiga	11	M	Kiga	12	Friends	No	Wood	Put on Probation for 2 years	Reform School
88.	M	Kiga	20	M	Kiga	Un	Un	—	Un	Msl. 6 months	No records

Appendix II
HOMICIDE IN KIGEZI

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
89.	M	Kiga	32	F	Kiga	35	Wife	No	Kick	Acquitted	Following a kick, she aborted and died
90.	M	Rwa	38	M	Kiga	9	Neighb	No	Hoe	Msl. 8 years	Accused was beating wife, Deceased was bystander
91.	F	Kiga	20	Un	Un	Un	Her child	—	Un	Infanticide	Baby dropped in latrine
92.	F	Kiga	Adl	M	Kiga	35	Husband	Yes	Stick	Discharged	Justifiable homicide: Self-defence
93.	F	Hororo	30	F	Hororo	Adl	Neighb	Yes	Panga	Msl. 12 months	Wound infected. Died of tetanus
94.	F	Kiga	19	Un	Un	Un	Her child	—	Un	No record	Infanticide
95.	M	Rwa	45	F(2)	Rwa	Adl	Daughters	—	Un	No records	Schizophrenia
96.	75	Kiga	26	M	Kiga	30	Neighb	Yes	Spear	Msl. 5 years	Provocation

Appendix II
HOMICIDE IN KIGEZI

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
97.	M	Kiga	42	M	Kiga	Adl	Un	Yes	Un	Msl. No record	Drunken brawl

Appendix III
HOMICIDE INTORO

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
1.	M	Konjo	35	M	Konjo	Adl	Neigh	Yes	Spear	Msl. 2 years	Quarrel while drunk
2.	M	Toro	20	M	Toro	60	Neigh	Yes	Spear	Murder: Death	Accused drunk, Deceased taunted him with stealing
3.	M	Amba	23	F	Amba	Adl	Wife	No	Spear	Msl. 10 years	Mistook her for animal, he alleged
4.	M	Konjo	30	M	Konjo	35	Friend	No	Knife	Msl. 10 years	Dispute over fish
5.	M	Toro	28	M	Toro	Adl	Acquaintance	Yes	Knife	Msl. 5 years	Quarrel at beer party
6.	M	Toro	45	M	Konjo	30	Workmates	No	Stick	Acquitted	Deceased neglected to look after cashbox

Appendix III
HOMICIDE IN TORO

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
7.	M	Toro	45	F	Toro	35	Wife	Yes	Panga	Murder: Death	Deceased was a drunkard
8.	M	Kiga	28	M	Toro	35	Co-worker	Yes	Stick	Msl. 2 years	Quarrel while drinking
9.	M	Toro	40	M	Toro	45	Neighb	No	Beating	Murder: Death	Accused loved Deceased's wife
10.	M	Konjo	28	F	Konjo	50	Ex-mother-in-law	No	Spear	Murder: Death	Dispute over Accused's wife's desertion
11.	M	Rwa	46	M	Rwa	26	No relation	Yes	Stick	Msl. 4 years	Deceased embraced Accused's wife—sexual
12.	M	Toro	18	M	Toro	Adl	Un	—	Wood	Msl. 9 months	Quarrel. Ruptured spleen

Appendix III
HOMICIDE INTORO

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
13.	F	Konjo	30	M	Konjo	40	Husband	No	Poison	Murder: Death	Accused intended to make Deceased mad
14.	M	Toro	38	M	Toro	6	Son	No	Kicking	Criminal Lunatic	Arteriosclerotic dementia
15.	M	Amba	25	M	Toro	Adl	Acquaintance	Yes	Stick	Msl. 3 years	Quarrelling in a bar
16.	M	Konjo	25	F	Toro	45	Neighb	Yes	Stick	Murder: Death	Both spent the night drinking
17.	M	Toro	35	M	Toro	30	Brother	Yes	Spear	Msl. 5 years	Quarrel while drunk
18.	M	Toro	30	M	Toro	26	Neighb	No	Beating	Msl. 6 months Msl. 6 months	Deceased was trying to force a woman into sexual intercourse

Appendix III
HOMICIDE IN TORO

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
19.	M	Nkore	25	F	Nkore	Adl	Wife	Yes	Spear	Murder: Death	Domestic quarrel
20.	F	Toro	25	F	Toro	40	Neighb	No	Stick	Msl. 3 years	Accused alleged Deceased was a witch
21.	M	?	18	M	?	40	Co-workers	No	Beating	Murder: Death	1 st Accused was detained till he was 21. 2 nd he was 21. 2 nd Accused: Death. No record of circumstances
22.	M	Rwa	25	M	Rwa	28	Workmate	Yes	Panga	Murder: Death	Fighting started while drinking Waragi
23.	M	Konjo	56	F	Konjo	Adl	Wife	Yes	Panga	Msl. 10 years	Deceased suspected of committing adultery

Appendix III
HOMICIDE INTORO

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
24.	M	Toro	52	M	Toro	20	Neigh	No	Arson	Msl. 18 years	Accused killed and set fire to house
25.	M	Toro	Adl	M	Rwa	Adl	Neigh	No	Spear	Murder: Death	Accused's 2 nd homicide—sexual rivalry
26.	M	Toro	19	M	Toro	Adl	Neigh	Yes	Beating	Msl. 6 months	No records, Deceased ruptured duodenum
27.	M	Rwa	26	F	Toro	20	Wife	—	—	Criminal Lunatic	Schizophrenia
28.	M	Toro	50	M	Toro	24	Neigh	No	Spear	Acquitted	Old enmity—previous lawsuit
29.	M	Teso	35	M	Congo	40	Neigh	Yes	Stick	Msl. 6 months	Trivial quarrel

Appendix III
HOMICIDE IN TORO

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
30.	F	Toro	30	M	Toro	Adl	Neigh	Yes	Stick	Msl. 18 months	Provocation—Deceased beat Accused first
31.	M	Toro	46	M	Toro	27	Un	Yes	Knife	Msl. 5½ years	Accused revenged assault on his son
32.	M	Toro	42	F	Toro	Adl	Wife	No	Spear	Msl. 5 years	Deceased was committing adultery in bananas
33.	M	Lendu	35	M	?	Adl	Un	Yes	Knife	Msl. 1 day imprisonment	Accused was provoked
34.	M	Toro	50	F	Toro	38	Wife	No	Spear	Murder: Death	Accused alleged Deceased had sex in kitchen

Appendix III
HOMICIDE INTORO

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
35.	M	Toro	30	M	Toro	Adl	Affine	Yes	Spear	Murder: Death	Long-standing grudge
36.	M	Toro	16	M	Toro	30	Friend	Yes	Knife	Msl. 5 years	Quarrel in bar
37.	M	Konjo	26	M	Konjo	35	Acquaintance	Yes	Stick	Msl. 5 years	Quarrel in beer party
38.	M	Toro	30	M	Toro	Adl	Neighb	Yes	Stick	Msl. 2 years	Provocation and quarrel in beer party
39.	M	Amba	Adl	M	Amba	40	Brother	Yes	Stick	Murder: Death	Christmas drinking party
40.	M	Toro	Adl	M	Konjo	30	Un	—	Fist	Msl. 9 months	Accused was demanding Poll Tax
41.	M	Toro	23	F	Toro	20	Wife	Yes	Panga	Murder: Death	Deceased was deserting Accused

Appendix III

HOMICIDE IN TORO

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
42.	M	Amba	Adl	M	Amba	45	Neigh	No	Knife	Murder: Death	Accused had Deceased's Shs. 7- in debt
43.	M	Toro	32	M	Toro	14	Cousin	Yes	Beating	Murder: Death	Accused alleged Deceased ate his chickens
44.	M	Toro	Adl	M	Kakwa	30	Acquaintance	Yes	Spear	Msl. 2 years	Accused revenged his father's murder
45.	M	Toro	46	F	Toro	36	Wife	No	Spear	Criminal Lunatic	Depressive Psychosis
46.	M	Toro	20	M	Toro	Adl	Grandfather	No	Panga	Bound over Msl. 1 year	Dispute over stolen goat
47.	F	Kiga	35	M	Kiga	Adl	Husband	No	Panga	Msl. 12 months	Quarrel over lost money—Provocation

Appendix III
HOMICIDE INTORO

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
48.	M	Amba	20	M	Congo	50	Neigh	Yes	Kicking	Acquitted	Not enough evidence
49.	M	Toro	27	M	Toro	40	Neigh	Yes	Spear	Msl. 5 years	Man and son killed. Man was chief
50.	M	Toro	25	M	Toro	20	Neigh	Yes	Spear	Msl. 5 years	Fight in beer party
51.	M	Toro	40	M	Toro	25	Brother-in-law	Yes	Stick	Msl. 4 years	Fight in beer party
52.	M	Toro	20	M	Toro	Adl	Cousin	Yes	Knife	No record	Accused alleged Deceased was bewitching him
53.	M	Toro	30	F	Toro	35	Wife	No	Spear	Acquitted	Domestic and marital quarrels
54.	M	UN	26	M	Un	Un	Un	—	Stick	Msl. 3 years	No records

Appendix III
HOMICIDE IN TORO

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
55.	M	Kiga	30	M	Kiga	Adl	Friend	Yes	Panga	Msl. 8 Years	Quarrel after drinking
56.	M	Toro	56	M	Toro	55	Neighb	Yes	Spear	Msl. 6 years	Grudge involving witchcraft
57.	M	Toro	28	F	Toro	Adl	Lover	Yes	Panga	Msl. 6 years	Sexual jealousy
58.	M M	Amba Amba	38 20	M	Amba	Adl	Un	No	Stick	Msl. 1 Day imprisonment	Grave Provocation
59.	M	Ganda	36	M	Un	36	Un	—	Un	Acquitted	No evidence
60.	M	Nkore	33	M	Un	45	Un	Yes	Stick	Msl. 2 months	Provocation
61.	M	Toro	23	M	Konjo	Adl	Acquaintance	No	Throttling	Msl. 6 years	Deceased refused to pay Toll Tax
62.	M	Toro	63	F	Toro	59	Wife	—	Beating	Msl. 18 months	Domestic quarrel

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HOMICIDE IN TORO

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
63.	M	Toro	18	M	Toro	Adl	Neigh	Yes	Spear	Msl. 7 years	Drunkenness
64.	M	Toro	40	F	Toro	Adl	Wife	Yes	Wood	Msl. 2 years	Wife abused husband
65.	M	Toro	32	M	Toro	30	Brother-in-law	—	Spear	Murder: Death	Dispute over deceased's wife
66.	M	Rundi	36	M	Rundi	Adl	Neigh	Yes	Spear	Murder: Death	Deceased recent immigrant
67.	M	Toro	25	F	Toro	45	Neigh	Yes	Knife	Murder: Death	Sexual grudge
68.	M(2)	Toro	Adl	M	Toro	35	Neigh	Yes	Spear	Msl. 6 years	Old grudge
69.	M	Toro	15	M	Toro	Adl	Brother	—	Stick	Msl. Bound 12 months	Quarrel
70.	M	Toro	20	M	Toro	25	Neigh	Yes	Knife	Murder: Death	Drinking

Appendix III
HOMICIDE IN TORO

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
71.	M	Toro	30	M	Toro	25	Brother-in-law	Yes	Spear	Murder: Death	Married—divorced and re-married same woman no brideprice
72.	M	Amba	35	M	Amba	25	Neighb	Yes	Wood	Msl. 2 years	Independence Celebration
73.	M	Toro	26	M	Toro	Adl	Neighb	Yes	Iron-bar	Msl. 5 years	Beer party brawl
74.	M	Rwa	20	M	Rwa	Adl	Acquaintance	Yes	Stick	Msl. 2 years	Drunk and quarrel
75.	M	Toro	40	M	Toro	Adl	Acquaintance	—	Injection	Discharged	Insufficient evidence
76.	M	Konjo	20	M	Konjo	Adl	Brother	Yes	Spear	Msl. 8 years	X-mas drinking
77.	M	Amba	26	M	Amba	Adl	Brother	—	Arrow	Msl. 2 years	Filial dispute
78.	M	Toro	34	M	Toro	40	Brother	—	Spear	Msl. 6 years	Domestic quarrel

Appendix III
HOMICIDE INTORO

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribes	Age	Sex	Tribes	Age					
79.	M	Toro	Adl	F	Toro	Adl	Wife	Yes	Stick	Msl. 5 years	Matrimonial quarrel
80.	M	Toro	34	M	Toro	Adl	Neigh	Yes	Stick	Msl. 7 years	Drunken brawl
81.	M	Amba	30	F	Amba	35	Neigh	—	Pushing	Msl. 1 Day imprisonment	Simple quarrel
82.	M	Toro	45	M	Toro	50	Related	Yes	Knife	Msl. 6 years	Not clear
83.	M(2)	Toro	Adl	M	Toro	Adl	Neigh	—	Un	Not guilty	Discharged—UN
84.	M	Toro	20	M	Toro	70	Father	—	Un	Not guilty	Discharged—Motive not clear
85.	M(3)	Congo	Adl	M	Congo	45	Un	Yes	Stick	Msl. 2 years	Drinking and quarrelling
86.	M	Congo	19	M	Congo	25	Un	Yes	Un	Msl. 3 years	Drink and fight
87.	M	Kiga	28	M	Kiga	Adl	Un	Yes	Knife	Msl. 5 years	Drunken provocation

Appendix III
HOMICIDE IN TORO

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
88.	M	Ganda	22	M	Toro	35	Un	Yes	Stick	Msl. 18 months	Dispute over a woman
89.	M	Toro	28	M	Toro	30	Brother-in-law	—	Stick	Msl. 2 years	Quarrel over a girl
90.	M	Kiga	26	F	Toro	40	Ex-Mother-in-law	—	Panga	Msl. 6 years	Deceased's daughter had deserted Accused
91.	M	Toro	35	M	Toro	25	Un	Yes	Un	Msl. 3 years	<i>Flagrante Delicto</i>
92.	M	Toro	70	M	Toro	Adl	Un	—	Spear	Msl. 3 years	Revenge. Deceased had killed Accused's son. Deceased insane
93.	M	Konjo	29	M	Konjo	50	Un	Yes	Stick	Msl. 7 years	Fight in bar
94.	M	Toro	26	M	Toro	30	Un	Yes	Penknife	Msl. 7 years	Fight in bar
95.	M	Toro	35	M	Toro	35	Brother	Yes	Spear	Criminal Lunatic	Schizophrenia

Appendix III
HOMICIDE INTORO

No.	ACCUSED			VICTIM			Kinship Relation	Alcohol	Weapon	Court Judgement	Circumstances and Remarks
	Sex	Tribe	Age	Sex	Tribe	Age					
96.	M	Toro	37	M	Toro	45	Un	—	Spear	Msl. 18 months	Not clear
97.	M	Toro	38	F	Toro	70	Related	—	Spear	Criminal Lunatic	Accused insane
98.	M	Toro	28	M	Toro	Adl	Brother	Yes	Knife	Msl. 5 years	Sexual matters
99.	M	Toro	22	M	Toro	30	Un	Yes	Beating	Msl. 4 months	Quarrel over a woman
	F	Toro	27							Msl. 4 months	
100.	M	Toro	20	M	Toro	25	Un	Yes	A blow	Msl. 1 Day	Drink and fight

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
1.	Soroti	F	30	M	Adl	Husband	Yes	Stick	Msl.	6 months	Domestic quarrel and drunk
2.	Soroti	M	55	M	Adl	Un	—	Beating	Msl.	4 years	Deceased stole a goat
3.	Mbale	F	18	M	Adl	Brother-in-law	—	Spear	Msl.	2 months	Quarrel and provocation
4.	Mbale	M	Adl	M	Adl	Un	—	Spear	Msl.	4 years	Deceased threatened Accused and burnt his food stores
5.	Mbale	M	30	M	Adl	Un	—	Panga	Msl.	4 years	Deceased was stealing a hen

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
6.	Kampala	M	25	F	Adl	Wife	—	Spear	Murder	Death	Deceased had left Accused, when they met, he killed her
7.	Kampala	M	Adl	M	Adl	Un	—	Spear	Not guilty	Discharged	Motive not clear
8.	Kampala	M(2)	Adl	M	Adl	Un	—	Stick	Not guilty	Discharged	Motive not clear
9.	Kampala	M	Adl	M	Adl	Un	—	Un	Msl.	6 years	Deceased was a thief
10.	Kampala	M	Adl	M	Adl	Un	—	Stick	Msl.	6 years	Deceased was a thief
11.	Fort Portal	M	36	F	Adl	Un	—	Sickle	Msl.	4 years	Trivial quarrel

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
12.	Kampala	M	30	F	Adl	Brother's wife	—	Spear	Murder	Death	Deceased refused sexual intercourse and said "Go and have intercourse with your mother."
13.	Kampala	M	39	M	Adl	Father	Yes	Sickle	Murder	Death	Domestic dispute
14.	Jinja	M(3)	Adl	M	Adl	Neighb	—	Un	Murder	Death	3 Accused are man and his two sons. Deceased had cattle but no relatives

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
15.	Gulu	M	Adl	F	Adl	Wife	—	Knife		Insane	Accused insane, Acute confusional state
16.	Gulu	M(3)	Adls	M	Adl	Un	—	Un		No record	No record
17.	Gulu	M	21	M	Adl	Neighb	—	Hoe	Msl.	4 years	Sexual jealousy
18.	Gulu	M	46	M	Adl	Friends	—	Boxing	Msl.	1 Day im-prisonment	Not clear
19.	Gulu	M	25	F	Adl	Wife	—	Beating	Msl.	3½ years	Deceased found in <i>flagrante delicto</i>
20.	Soroti	M	40	M	12	Son	—	Stick	Msl.	5 years	Deceased stole. Father punished him
21.	Soroti	M	35	M	Adl	Un	—	Kicking	Msl.	3 years	Deceased was stealing millet

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
22.	Mbale	M	40	F	Adl	Wife	Yes	Panga	Murder	Death	Marital and sexual exasperation
23.	Mbale	M(6)	—	Un	—	Un	—	Un	Not guilty	Discharged	No records
24.	Mbale	M(2)	30	F	Adl	Acquaintance	Yes	Beating	Murder	Death	Rape followed by homicide
25.	Kampala	M	Adl	F	Adl	Ex-wife	—	Spear	Not guilty	Discharged	No evidence
26.	Mbale	M	30	M	Adl	Un	—	Panga	Msl.	4 years	Deceased was a thief
27.	Mbale	M	Adl	M	Adl	Un	—	Spear/Panga	Msl.	4 years	Quarrel and provocation
28.	Mbale	M	25	M	25	Un	Yes	Knife	Msl.	18 months	Deceased was found at Accused's at night

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
29.	Mbale	M	Adl	Un	—	Un	—	Un	Not guilty	Discharged	Self-defence against Suk
30.	Mbale	M	36	F	Adl	Mother	Yes	Panga	Murder	Death	Acc. impotent. Blammed mother's curse
31.	Mbale	M(2)	12 15	M	12	Same School	— —	Stone	Murder	Bound over (juveniles)	Accused wanted to rob Shs. 1/50 from victim
32.	Mbale	M	25	M	Adl	Un	Yes	Stick	Murder	Death	Accused alleged Deceased had intercourse with his daughter

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
33.	Soroti	M	Adl	F	Adl	Step-Mother	—	Stick	Msl.	3½ years	Not clear
34.	Soroti	M	25	M	Adl	Un	—	Spear	Msl.	6 years	Deceased was stealing goats
35.	Soroti	M	30	M	Adl	Un	—	Boxing	Msl.	3 years	Deceased was a thief
36.	Soroti	M	50	F	Adl	Sister	—	Un	Msl.	3 years	Deceased found in <i>flagrante delicto</i> on Accused's bed
37.	Gulu	M	Adl	M	40	Un	—	Stick	Msl.	Till rise of court	Deceased attacked Accused's home at night
38.	Gulu	F	45	M	Adl	Husband	—	Stick	Msl.	Till rise of court	Domestic quarrel

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
39.	Gulu	M	45	M	30	Brother	Yes	Arrow	Msl.	5 years	Deceased called Accused “toothless”
40.	Gulu	M	56	M	Adl	Son	Yes	Spear	Msl.	7 years	Son disrespectful
41.	Gulu	M	35	M	Adl	Brother	Yes	Arrow	Msl.	5 years	Domestic and family Dispute
42.	Gulu	M	20	M	Adl	Un	Yes	Un	Msl.	7 years	Drunk and quarrel
43.	Gulu	M	24	F	55	Related	—	Beating	Msl.	18 months	Deceased suspected witch
44.	Gulu	M	50	F	Adl	Wife	Yes	Beating	Msl.	5 years	Wife drunk. Refused to cook food

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
45.	Gulu	M	55	M	Adl	Neighb	—	Axe Un	Murder Not guilty	Death Discharged	Dispute about potatoes
46.	Gulu	M	29	F	Adl	Mother	—	Stick	Murder	Death	Domestic disputes
47.	Gulu	M	Adl	M	Adl	Acquin-tance	—	Stick	Msl.	18 months	Drunk and quarrelling
48.	Gulu	M	24	M	Adl	Acquin-tance	—	Knife	Msl.	No record	Fight in a dance
49.	Gulu	M(5) F	Adl Adl	Un	Un	Un	—	Stick	Not guilty	Discharged	No record
50.	Gulu	M	55	M	30	Son	Yes	Knife	Msl.	6 years	Domestic quarrel
51.	Gulu	M	25	M	Adl	Brother-in-law	—	Spear	Msl.	Till rise of court	Provocation. Accused was speared first

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
52.	Gulu	M	18	M	Adl	Brother	—	Spear	Msl.	4 years	Domestic quarrel
53.	Gulu	M	25	M	Adl	Father	Yes	Arrow	Msl.	6 years	Domestic quarrel
54.	Gulu	M	25	M	Adl	Acquaintance	—	Knife	Msl.	Till rise of court	Drunken brawl
55.	Gulu	M	26	F	Adl	Sister-in-law	—	Stick	Msl.	4 years	Domestic disputes and fighting
56.	Gulu	M	23	M	Adl	Brother	Yes	Stick	Msl.	9 months	Drunken brawl
57.	Gulu	M	21	M	Adl	Un		Stick	Msl.	3 years	Quarrel and fighting
58.	Gulu	M	25	F	9 Adl	Neighb	—	Arrow			Schizophrenia
59.	Gulu	M	Adl	F	Adl	Neighb		Spear			Schizophrenia

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
60.	Gulu	M	Adl	F	Adl	Wife	—	Axe			Insanity
61.	Gulu	M	22	M	3	Son	—	Beating			Insanity
62.	Gulu	M	27	F	Adl	Wife	—	Axe			Insanity
63.	Kampala	M(3)	Adls	M	Adl	Un	—	Un	Not guilty	Discharged	Accused suspected robbers
64.	Kampala	M(3)	Adl	M	Adl	Un	—	Un	Not guilty	Discharged	Not clear
65.	Jinja	M	50	M	Adl	Un	Yes	Un	Murder	Death	Not clear
66.	Jinja	M(4)	Adls	M	Adl	Un	—	Sticks	Msl.	6 months	Deceased stole goat
67.	Jinja	M	40	F	Adl	Un	—	Knife	Murder	Death	Grudge over old debt
68.	Jinja	M(6)	Adls	M	19	Un	—	Beating	Not guilty	Discharged	Deceased suspected thief

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED Sex Age	VICTIM Sex Age	Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
69.	Jinja	M M(2) Adls	M Adl	Neighb	—	Stick	Msl. Not guilty	3 years Discharged	Deceased was a thief
70.	Jinja	M M Adl	M Adl	Un	—	Hoe	Msl. Not guilty	3 years Discharged	Deceased burnt Accused's House
71.	Jinja	M(3) Adls	Un	Un	—	Un	Not guilty	Discharged	Deceased suspected thief
72.	Jinja	M 70	F Adl	Wife	—	Un	Not guilty	Discharged	Not clear
73.	Jinja	M 56	F 56	Friend	Yes	Hoe	Murder	Death	Sexual dispute
74.	Jinja	M 35	M Adl	Un	—	Stick	Msl.	11 years	Not clear
75.	Jinja	M 22	F Adl	Wife	—	Hoe	Murder	Death	Deceased denied Accused sexual intercourse

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
76.	Jinja	M	Adl	M	Adl	Un	—	Un	Msl.	6 years	Deceased was breaking into Accused's house
77.	Jinja	M	41	M	Adl	Neighb	—	Panga	Msl.	4 years	Deceased stole goat
78.	Jinja	M	28	F	Adl	Grand-mother	—	Panga	Msl.	Till rise of court	Deceased was mistaken for thief
79.	Jinja	M	Adl	M	Adl	Neighb	—	Knife	Msl.	7 years	Deceased thief of chicken
80.	Jinja	M	25	M	Adl	Neighb	Yes	Hoe	Murder	Death	Dispute over an old debt
81.	Jinja	M	34	M	Adl	Un	—	Stick	Msl.	6 years	Not clear

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	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
82.	Jinja	F	40	M	Adl	Un	—	Axe	Murder	Death	Deceased stole goat and slaughtered it
83.	Jinja	M	30	M	Adl	Neighb	—	Beating	Msl.	8 years	Deceased thief of mattress
84.	Jinja	M	30	M	Adl	Un	—	Stick	Msl.	3 years	Deceased stole chicken and saucepan
85.	Jinja	M(3)	Adls	M	Adl	Un	—	Strangulation	Murder	Death	Deceased had attempted shooting Accused 1
86.	Jinja	M	Adl	Un	Un	Un	—	UN	Not guilty	Discharged	No records
87.	Jinja	M	36	F	13	Un	Yes	Strangulation	Msl.	Life imprisonment	Rape followed by homicide

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
88.	Jinja	M	40	F	Adl	Related	—	Spear	Murder	Death	Grudge about previous court case
89.	Jinja	M(2)	35	M	Adl	Neighb	—	Axe	Murder	Death	Deceased lover of wife of Accused 1. Accused 2 hired to kill. Deceased was being detained in prison for Tax.

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED Sex Age	VICTIM Sex Age	Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
90.	Jinja	M F 19 32	M Adl	Employer Husband Husband	—	Axe	Murder	Death	2 nd Accused killed Deceased so as to be married. A case of Sexual conspiracy
91.	Jinja	M(5)	M Adl	Un	Yes	Beating	Not guilty	Discharged	Deceased was an army man. Fellow beat him
92.	Jinja	M	F F Adl Adl	Mother-in- law Sister-in- law	—	Panga Panga	No record	No record	Diminished responsibility

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
93.	Jinja	M	Adl	F	Adl	Wife		Axe	Msl.	5 years	Deceased had left him for 1 week. She later returned
94.	Jinja	M	28	M	Adl	Neighb	Yes	Hoe	Msl.	3 years	Drunken brawl
95.	Jinja	M	Adl	M	Adl	Father-in-law	—	Gun	Not guilty	Acquitted	No evidence. Motive not??
96.	Jinja	M(6)	Adls	M	Adl	Neighb	—	Un	Not guilty	Acquitted	No evidence. Motive not clear. 6 Accused brothers
97.	Jinja	M	Adl	Un	Un	Un	—	Un		Insane	Accused suspected of insanity
98.	Jinja	M	45	M	Adl	Neighb	—	Un	Msl.	3 years	Deceased stole goat

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
99.	Jinja	M	28	M	Adl	Neighb	—	Stick	Msl.	Bound over 12 months	Deceased stole Accused's shirt
100.	Jinja	M	40	F	Adl	Wife	—	Panga	Murder	Death	Deceased was deserting Accused
101.	Jinja	M	55	M	Adl	Neighb	—	Stick	Msl.	Bound over 12 months	Sexual jealousy
102.	Jinja	M	Adl	M	Adl	Un	Yes	Bottle	Msl.	4 years	Motive not clear
103.	Jinja	M	Adl	M	Adl	Un	—	Murder	Death	Death	Deceased sexual rival
104.	Jinja	M	Adl	M	Adl	Un	—	Gun	Murder	Death	Grudge about women
105.	Jinja	M	Adl	F	Adl	Wife	—	Hoe	Msl.	10 years	Deceased was deserting him

Appendix IV
CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
106.	Tororo	M	Adl	M	26	Neighb	—	Panga			Schizophrenia
		M		M	14	Neighb		Panga			
107.	Mbale	M	Adl	F	Adl	Daughter	—	Panga	Murder	Death	Deceased had married twice, was a burden
108.	Mbale	M	Adl	F	13	Neighb	—	Un	Murder	Death	Motive not clear
109.	Mbale	M	40	M	Adl	Un	—	Strangulation	Murder	Death	Deceased owed Accused some money
110.	Mbale	M	Adl	M	Adl	Uncle	—	Axe	Not guilty	Acquitted	Land dispute
111.	Mbale	M	Adl	M	Adl	Neighb	Yes	Knife	Murder	Death	Motive not clear
112.	Mbale	M	Adl	M	Adl	Father	—	Iron-bar	Murder	Death	Motive not clear

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CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
113.	Mbale	M (11)	Adls	M	Adl	Un	—	Beating	Not guilty	No record	Deceased was a thief
114.	Kampala	M	Adl	M	Adl	Neighb	—	Kicking	Not guilty	Discharged	No evidence
115.	Kampala	M	Adl	M	60	Neighb	—	Stick	Msl.	No record	Deceased had shot son of Accused
116.	Kampala	M	Adl	M	Adl	Neighb	Yes	Un	Not guilty	Acquitted	Deceased fell and fractured skull
117.	Kampala	M	Adl	F	Adl	Wife	Yes	Strangulation	Not guilty	Acquitted	Not clear
118.	Kampala	M	Adl	F M	Adl 3	Wife Son	—	Un Un			Schizophrenia
119.	Kampala	F	Adl	Un	Un	Un	—	Un	Un	1 year probation	No record

Appendix IV

CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
120.	Kampala	M	32	M	Adl	Acquaintance	—	Stick	Msl.	12 months	Deceased stole a hoe
121.	Kampala	M	29	M	Adl	Un	Yes	Pestle	Msl.	6 years	Drunk and quarrel
122.	Kampala	M(2)	Adls	M	Adl	Un	—	Un	Not guilty	Acquitted	Deceased was thief and no evidence
123.	Kampala	M	17	M	Adl	Un	Yes	Un	Msl.	3 years	Drunken brawl
124.	Kampala	M	Adl	F	Child	Neighb	Yes	Un	Murder	No record	Ravishing followed by killing
125.	Kampala	M	25	M	Adl	Un	Yes	Stick	Msl.	No record	Drunken brawl
126.	F Portal	M	36	M	Adl	Un	Yes	Stick	Msl.	18 months	Drunken brawl
127.	F Portal	M	19	M	Adl	Friend	Yes	Stick	Msl.	Bound over 12 months	Drunken brawl
128.	F Portal	M	19	M	Adl	Brother	Yes	Knife	Msl.	4 years	Drunken brawl

Appendix IV

CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
129.	E. Portal	M	38	M	6	Son	—	Kicking			Insanity
130.	E. Portal	M	40	F	Adl	Ex-Mother in-law	—	Panga	Murder	Death	Deceased's daughter had deserted Accused
131.	Mbarara	M	17	M	Adl	Un	—	Stone	Msl.	Bound over 12 months	Provocation
132.	Mbarara	M	1	M	Adl	Un	—	Stone	Msl.	Bound over 12 months	Provocation
133.	Mbarara	F	Adl	M	Adl	Husband	—	Hoe	Msl.	18 months	Simple quarrel and fight
134.	Mbarara	M	Adl	Un		Un	—	Un	Not guilty	Discharged	Not clear. No evidence
135.	Mbarara	F	20	M	Adl	Husband	—	Panga	Murder	Death	Domestic quarrel

Appendix IV

CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
136.	Mbarara	M	27	M		Un	Yes	Arson	Msl.	12 years	Deceased lame. Wife blind, house set on fire. Motive not clear
137.	Mbarara	M(5)	Adl	Un		Un	—	Un	Not guilty	Discharged	Not clear. No evidence
138.	Mbarara	M	Adl	M		Acquaintance	—	Spear	Murder	Death	Accused was resisting arrest
				M		Acquaintance		Spear			Deceased 1 Muruka Chief
139.	Mbarara	M	Adl	M		Acquaintance	—	Spear	Msl.	7 years	Deceased stole beans
140.	Mbarara	F	28	M		Husband	Yes		Msl.	4 years	Domestic quarrel

Appendix IV

CRIMINAL HOMICIDE CASES TRIED OVER A PERIOD OF 4 YEARS IN UGANDA

	Court at	ACCUSED		VICTIM		Relation	Alcohol	Weapon or method of killing	Court Judgement	Sentence and jail in year	Circumstances
		Sex	Age	Sex	Age						
141.	Mbarara	M	60	M	Adl	Son	—	Iron pipe	Msl.	5 years	Provocation. Family disputes
		M	35						Msl.	2 years	
142.	Mbarara	M	17	M	Adl	Friend	Yes	Bottle	Msl.	2 years probation	Drunken and fight
143.	Kabale	M	42	M	Adl	Friends	Yes	Un	Msl.	No record	Drunken brawl
144.	Kabale	M	20	M	Adl	Father	Yes	Spear	Msl.	3 years	Drunken brawl
145.	Kabale	M	56	M	Adl	Un		Spear	Msl.	18 months	Deceased thief of cattle
146.	Kabale	M	Adl	M	Adl	Un		Spear	Not guilty	Discharged	No record
147.	Kabale	M	??5	M	Adl	Un	Yes	Stone	Msl.	4 years	Beer and quarrel
148.	Kabale	M	22	M	Adl	Un		Panga	Msl.	6 years	Provocation

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Professor Mushanga was born in 1930 at Kagango in West Ankole area which is now called Shema district. His father Andereya Mushanga was a great advocate of education, especially higher education. He started schooling at Rwabutura, then Kabwohe Primary School and Mbarara High School.

He trained as a medical assistant and worked for ten years at Masaka, Mulago and Mbarara hospitals before going to Makerere where he studied sociology and political science for a B.A degree. He later obtained an M.A and Ph.D. at Makerere. He also studied Criminology at the University of Wisconsin at Madison in U.S.A. He lectured at Makerere and while in exile he lectured at the University of Nairobi.

In 1986, Professor Mushanga was appointed Uganda High Commissioner to Zambia, Zimbabwe, Botswana, Lesotho, Swaziland and Canada before he was appointed Ambassador to Italy, Germany, Austria and the Vatican.

Professor Mushanga is the author of several books which include; Criminology in Africa, Crime and Deviance, An Introduction to Criminology, Criminal Homicide in Uganda, Dictionary of Criminology, Dictionary of Runyankole Rukiga, Slavery and Colonialism: two evils for which Africans should demand Reparation, Homicide and its Social Causes, My Life and Work (forth coming).

In 1998, Professor Mushanga opened Itendero Secondary School. Currently Mwene Mushanga is working as Deputy Vice Chancellor of Ankole Western University Project at Kabwohe and as Presidential Advisor (on Foreign Affairs).

Professor Mushanga is married to Maama Muko, they have children and grandchildren.

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